

SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

904B



FROM: County Counsel/TLMA
 Code Enforcement Department

SUBMITTAL DATE:
 May 26, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
 Case No.: CV 08-02706 (VALDEZ)
 Subject Property: One Parcel South of 17165 Cole Street, Riverside
 APN: 266-200-006
 District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02706 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 08-02706; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02706.

L. Alexandra Fong
 L. ALEXANDRA FONG, Deputy County Counsel
 for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
 Nays: None
 Absent: Benoit
 Date: June 8, 2010
 xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: 05/18/10; 9.1 | District: 1 | Agenda Number:

2.11

Departmental Concurrence

Policy
 Policy
 Consent
 Consent
 X
 X
 Dep't Recomm.:
 Per Exec. Ofc.:

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-02706
Subject Property: One Parcel South of 17165 Cole Street, Riverside
APN: 266-200-006
District One

BACKGROUND:

On May 18, 2010, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess outside storage and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
no office							T:	CTY	UNI

4
5 WHEN RECORDED PLEASE MAIL TO:

6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside

8 OFFICE OF COUNTY COUNSEL

9 3960 Orange Street, Fifth Floor (Stop #1350)

10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**



13 IN RE ABATEMENT OF PUBLIC NUISANCE:

14 [EXCESSIVE OUTSIDE STORAGE AND
15 ACCUMULATION OF RUBBISH];
16 APN 266-200-006, ONE PARCEL SOUTH OF
17 17165 COLE STREET, RIVERSIDE, RIVERSIDE
18 COUNTY, CALIFORNIA; DANIEL J. VALDEZ,
19 OWNER.

CASE NO. CV 08-02706

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter
17.120), 541 (RCC Chapter 8.120) and
725 (RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board
21 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
22 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
23 described as One Parcel South of 17165 Cole Street, Riverside, Riverside County, California and
24 further described as Assessor's Parcel Number 266-200-006 and referred to hereinafter as "THE
25 PROPERTY."

26 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
27 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 Owner did not appear. A member of the public, Robert Mabee, appeared and addressed the
Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
3 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner of
7 THE PROPERTY as Daniel J. Valdez ("OWNER").

8 2. Documents of title indicate that another party potentially holds a legal interest in THE
9 PROPERTY, to wit: T.D. Service Company ("INTERESTED PARTY").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 12, 2009,
11 September 22, 2009, December 29, 2009, March 16, 2010 and May 17, 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: lawn furniture, cut tree branches, tires, windows, paint, fuel containers, scrap
15 wood, scrap metal, broken concrete and other miscellaneous items. Given that the parcel is
16 unimproved, no amount of outside storage or rubbish is allowed on THE PROPERTY.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on November 5, 2009, as Document
20 Number 2009-0574506 in the Office of the County Recorder, County of Riverside.

21 7. On August 12, 2009, Notices of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On August 21, 2009, a Notice of Violations
23 was mailed to OWNER and on October 29, 2009, a Notice of Violations was mailed to
24 INTERESTED PARTY by certified mail, return receipt requested.

25 8. On March 15, 2010, the "Notice to Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
27 for May 18, 2010, was mailed by certified mail, return receipt requested, to OWNER and
28 INTERESTED PARTY and was posted on THE PROPERTY on March 16, 2010.



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on May 18, 2010, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at One Parcel South of 17165 Cole Street, Riverside, Riverside County,
6 California, also identified as Assessor's Parcel Number 266-200-006 violates Riverside County
7 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public
8 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
9 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
10 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
11 PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
13 the premises should abate the condition by removal of all outside storage of materials and removing
14 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
16 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

17 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
18 which judicial review of the administrative determinations made herein must be sought is ninety (90)
19 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
20 and is governed by California Code of Civil Procedure Section 1094.6.

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Daniel J.
24 Valdez, or anyone having possession or control of THE PROPERTY, by removing all of the outside
25 storage of materials and removing and disposing of all accumulated rubbish from the subject real
26 property in strict accordance with all Riverside County Ordinances, including but not limited to
27 Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within
28 ninety (90) days of the date of this Order to Abate Nuisance.



1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)
4 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
5 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
6 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
7 consent or a Court Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
12 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
13 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
14 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
15 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
16 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



2010-0267075
06/10/2010 08:00A
4 of 6

FORM APPROVED COUNTY COUNSEL
BY: L. Alexandra Fong DATE: 6/20/10
L. ALEXANDRA FONG

1 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 this Order to Abate Nuisance.

4 Dated: June 8, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:
8
9 KECIA HARPER-IHEM
10 Clerk to the Board

11 By Karen Barton
12 Deputy
13 (SEAL)





**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

6-8-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 1 Parcel South of 17165 Cole Street, Riverside
Case No.: CV 08-02706 APN: 266-200-006; District 1

DANIEL J VALDEZ
231 E ALESSANDRO NO A280
RIVERSIDE CA 92508

TD SERVICE COMPANY
PO BOX 11988
SANTA ANA CA 92711

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Kristle Simpson 6-24-10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>DANIEL J VALDEZ 231 E ALESSANDRO NO A280 RIVERSIDE CA 92508</p> <p>CV08-02706 (VALDEZ) FOF 2</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0000 1318 4883</p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>

PROOF OF SERVICE

Case No. CV 08-02706

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on June 23, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(SEE ATTACHED NOTICE LIST)**

XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON June 23, 2010, at Riverside, California.

Brenda Peeler
BRENDA PEELER

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Larry</i> C. Date of Delivery <i>6/24/10</i></p>
<p>1. Article Addressed to:</p> <p>TD SERVICE COMPANY PO BOX 11988 SANTA ANA CA 92711</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7009 3410 0000 1318 4890</p>	

CV 08-0053 02706 (VALDZ) FOR 2



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 28, 2010

RE CASE NO: CV0802706

I, Jamison Cole, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 6/25/10 at 3:35 p.m., I securely and conspicuously posted Findings of Fact at the property described as:

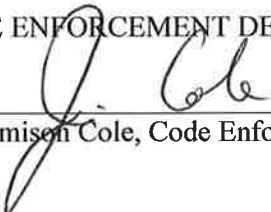
Property Address: One Parcel South of 17165 Cole St., Riverside

Assessor's Parcel Number: 266-200-006

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jamison Cole, Code Enforcement Officer