

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

905 B



SUBMITTAL DATE:
May 26, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-04608 (ARW INV)
Subject Property: 20775 Gardenias Street, Perris; APN: 323-230-039
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04608 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 08-04608; 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 08-04608.

BACKGROUND:

On May 4, 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 illegal grading located 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.

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: *Allen Buster*
Deputy

Prev. Agn. Ref.: 05/04/10; 9.9 | District: 5 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.13

Departmental Concurrence

Policy Policy
 Consent Consent
 Dept's Recomm.: Per Exec. Ofc.:

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



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NCHG						T:	CTY	UNI	513

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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:) CASE NO. CV 08-04608
14 [UNAPPROVED GRADING]; APN: 323-230-039,)
15 20775 GARDENIAS STREET, PERRIS,)
16 RIVERSIDE COUNTY, CALIFORNIA; ARW)
17 INVESTMENTS, OWNER.)
18)
19) FINDINGS OF FACT,
20) CONCLUSIONS AND ORDER TO
21) ABATE NUISANCE
22)
23) [R.C.O. Nos. 457 (RCC Title 15) and
24) 725 (RCC Title 1)]

25 The above-captioned matter came on regularly for hearing on May 4, 2010, before the Board
26 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
27 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
28 described as 20775 Gardenias Street, Perris, Riverside County, APN: 323-230-039, and referred to
hereinafter as "THE PROPERTY."

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

Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public
nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
Title 15.

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the Owner
3 of THE PROPERTY as ARW Investments (“OWNER”).

4 2. Documents of title indicate that additional parties may potentially hold a legal interest
5 in THE PROPERTY, to wit: Walter Carston, Robert Martinez and Stephanie Martinez (hereinafter
6 collectively referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 23, 2008,
8 May 7, 2009, July 21, 2009, December 3, 2009, March 9, 2010 and April 30, 2010.

9 4. During each inspection, grading was observed on THE PROPERTY without permits
10 and which deviated from the natural topography.

11 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
12 No. 457 (RCC Title 15) by the Code Enforcement Officer.

13 6. A Notice of Noncompliance was recorded on July 28, 2008, as Document Number
14 2008-0411482 in the Office of the County Recorder, County of Riverside.

15 7. On May 23, 2008, a Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On June 24, 2008 and July 27, 2009, a Notice of Violation was mailed to OWNER and
17 on October 27, 2009 was mailed to INTERESTED PARTIES by certified mail, return receipt
18 requested.

19 8. On March 9, 2010, a “Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance” providing notice of the public hearing before the Board of Supervisors was posted
21 on THE PROPERTY and on March 8, 2010, was mailed by certified mail, return receipt requested, to
22 OWNER and INTERESTED PARTIES.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on May 4, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 20775 Gardenias
27 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 323-230-039
28 violates Riverside County Ordinance No. 457 and constitutes a public and attractive nuisance.

2010-0667077
06/10/2010 08:00A
2 of 5



FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 5/13/10
DATE
L. ALEXANDRA FONG

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PROPERTY.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: June 8, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Bygum
Deputy
(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: 20775 Gardenia Street, Perris
Case No.: CV 08-04608 APN: 323-230-039; District 5

ARW INVESTMENTS
C/O FARIBA ABDI
19976 ROCKWELL ROAD
CORONA, CA 92881

WALTER CARSTON
31843 OUTER HIGHWAY 10
REDLANDS, CA 92373

ROBERT MARTINEZ
STEPHANIE MARTINEZ
10 SUNNYMEAD ROAD
ANACONDA, MT 59711

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p style="margin-left: 20px;">WALTER CARSTON 31843 OUTER HIGHWAY 10 REDLANDS CA 92373</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>		
<p>2. Article Number (Transfer from service label) <i>W08-04608 (ARW INV) F033</i></p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type <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 style="text-align: center;">7009 3410 0000 1317 7731</p> <p style="text-align: center;">Domestic Return Receipt</p>		
102595-02-M-1540			

NOTICE LIST

Subject Property: 20775 Gardenia Street, Perris
Case No.: CV 08-04608 APN: 323-230-039; District 5

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

1st Notice # 6-24
2nd Notice _____
Return _____

CERTIFIED MAIL



7009 3410 0000 1317 7748

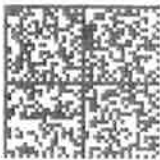
ARW INVESTMENTS
C/O FARIBA ABDI
19976 ROCKWELL ROAD
CORONA CA

NIXIE 927 DE 1 00 08/18/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *0704-00476-23-39

92501364405



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 005.710
0003958246 JUN 23 2010
MAILED FROM ZIP CODE 92501

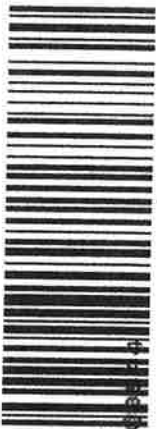
NOTICE LIST

Subject Property: 20775 Gardenia Street, Perris
N: 323-230-039; District 5

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

DWF

CERTIFIED MAIL™



10526

7009 3410 0000 1317 7724

ROBERT MARTINEZ
STEPHANIE MARTINEZ
10 SUNNIVILLE AVE
ANACO



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0003958246 JUN 23 2010
MAILED FROM ZIP CODE 92501
\$ 005.710

591 NFE 1 510C 00 06/28/10
RETURN TO SENDER
MARTINEZ
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER *0195-00296-28-17

JD

5971181849 CC00





**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 25, 2010

RE CASE NO: CV0804608

I, Jennifer Morris, 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 10:00 hrs., I securely and conspicuously posted Findings of Fact, Conclusions, Order to Abate Nuisance at the property described as:


Property Address: 20775 GARDENIAS ST, PERRIS

Assessor's Parcel Number: 323-230-039

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

Executed on June 25, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV 08-04608

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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)**

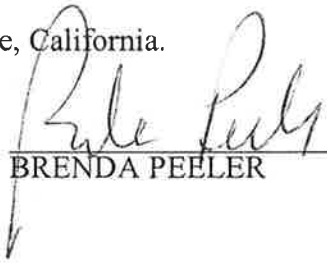
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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