

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

156B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

June 3, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-01348 (DOWNER)
Subject Property: 1 Parcel South East of 56498 Benton Way, Anza
APN 573-260-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01348 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 09-01348; 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 09-01348.

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 accumulation of rubbish 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, 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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Benoit and Ashley
Nays: None
Absent: Tavaglione and Stone
Date: June 15, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

Prev. Agn. Ref.: 05/18/10-9-3

District: 3

Agenda Number:

ATTACHMENTS: WITH THE CLERK OF THE BOARD

2.9

DOC # 2010-0277283

06/16/2010 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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

WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

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[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:
[ACCUMULATION OF RUBBISH]; APN 573-
260-012, 1 PARCEL SOUTH EAST OF 56498
BENTON WAY, ANZA, RIVERSIDE COUNTY,
CALIFORNIA; JACQUELINE D. DOWNER,
OWNER.

CASE NO. CV 09-01348

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

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

The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as One Parcel South East of 56498 Benton Way, Anza, Riverside County, and further described as Assessor's Parcel Number 573-260-012 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 Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Jacqueline D. Downer ("OWNER").

4 2. Documents of title indicate that additional parties may potentially hold a legal interest
5 in THE PROPERTY, to-wit: Wells Fargo Home Mortgage, Inc. and Fidelity National Title Insurance
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 6, 2009,
8 May 18, 2009, July 2, 2009, August 10, 2009, October 26, 2009, January 22, 2010, March 16, 2010
9 and May 17, 2010.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: wood, metal, used vehicle parts,
12 household trash, tires, plastic and miscellaneous debris.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on May 29, 2009 as instrument number 2009-0272140.

17 7. On March 6, 2009, a Notice of Violation was posted on THE PROPERTY. On
18 March 10, 2009, a Notice of Violation was mailed to OWNER by certified mail, return receipt
19 requested. On June 10, 2009, a Notice of Violation was mailed by certified mail return receipt
20 requested to OWNER and INTERESTED PARTIES.

21 8. On March 15, 2010, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 18,
23 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
24 PARTIES and was posted on THE PROPERTY on March 16, 2010.

25 **FINDINGS AND CONCLUSIONS**

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

28 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel



1 South East of 56498 Benton Way, Anza, Riverside County, California, also identified as Assessor's
2 Parcel Number 573-260-012 violates Riverside County Ordinance No. 541 and constitutes a public
3 nuisance.

4 2. WHEREAS, THE OWNER, or any person having possession or control of the
5 premises should abate the condition by removing and disposing all accumulated rubbish from the
6 subject real property in strict accordance with all Riverside County Ordinances, including but not
7 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

8 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
9 FURTHER NOTICED that the time within which judicial review of the administrative determinations
10 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
11 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
12 Section 1094.6.

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
15 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
16 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
17 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
18 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

19 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
20 accordance with all Riverside County Ordinances, including but not limited to Riverside County
21 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
22 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a
23 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
24 authorizing entry onto THE PROPERTY when necessary under applicable law.

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

2010-02-7203
09/16/2018 08:00A
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FORM APPROVED COUNTY COUNSEL

BY: 5/26/10 DATE
L. ALEXANDRA FONG

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 15, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karen Batten
Deputy

(SEAL)



2010-0277283
06/16/2010 08:00A
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**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:

6-15-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 1 Parcel South East of 56498 Benton Way, Anza
Case No.: CV 09-01348 APN: 573-260-012 District 3

JACQUELINE D DOWNER
PO BOX 390521
ANZA, CA 92539

FIDELITY NATIONAL TITLE INSURANCE
2100 S.E. MAIN, SUITE 400
IRVINE, CA 92714

WELLS FARGO HOME MORTGAGE, INC.
PO BOX 5137
DES MOINES, IA 50306

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) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to: WELLS FARGO HOME MORTGAGE, INC. PO BOX 5137 DES MOINES, IA 50306		<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>	
2. Article Number (Transfer from service label) 09-01348 (Downer) # 3		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

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) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to: JACQUELINE D DOWNER PO BOX 390521 ANZA, CA 92539		<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>	
2. Article Number (Transfer from service label) 09-01348 (Downer) # 3		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

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Label/Receipt Number: **7009 3410 0000 1317 9780**Service(s): **Certified Mail™**Status: **Undeliverable as Addressed**

Your item was undeliverable as addressed at 10:43 am on September 03, 2010 in IRVINE, CA 92614. It is being returned if appropriate information is available.

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Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 1.61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71
Mailed 9/1/10	
Postmark Here	
Sent To	
Street, or PO Box	FIDELITY NAT'L TITLE INS.
City, State, ZIP+4	2100 S.E. MAIN, SUITE 400
	IRVINE, CA 92714
PS Form 3800, August 2006	
See Reverse for Instructions	

PROOF OF SERVICE

Case No. CV 09-01348

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 Sept. 1, 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 Sept. 1, 2010, at Riverside, California.


BRENDA PEELER



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 8, 2010

RE CASE NO: CV0901348

I, Ariana Meza, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 09/08/2010 at 10:54am, I securely and conspicuously posted Findings of Fact, Conclusions & Order To Abate Nuisance, Notice List and Proof of Service at the property described as:

Property Address: 1 Parcel S/E of 56498 Benton Way, Anza

Assessor's Parcel Number: 573-260-012

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

Executed on September 8, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Ariana Meza, Code Enforcement Technician