

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

309B



SUBMITTAL DATE:
June 17, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-05054 (WALLACE)
Subject Property: 52043 Riza Avenue, Cabazon
APN 528-142-004
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05054 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 09-05054; 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 09-05054.

BACKGROUND:

On June 8, 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
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

County Executive Office Signature

BY: *Tina Grande*
Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: June 29, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/08/10; 9.5 | District: 5 | Agenda Number:

2.10

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

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

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

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[EXEMPT'6103]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

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11 **C**
508

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05054
 12 [ACCUMULATION OF RUBBISH]; APN 528-)
 13 142-004, 52043 RIZA AVENUE, CABAZON,) FINDINGS OF FACT,
 RIVERSIDE COUNTY, CALIFORNIA; OPHELIA) CONCLUSIONS AND ORDER TO
 14 M. WALLACE AND ROY G. WALLACE,) ABATE NUISANCE
 TRUSTEES OF THE OPHELIA M. WALLACE)
 15 AND ROY G. WALLACE REVOCABLE TRUST) [R.C.O. Nos. 541 (RCC Chapter 8.120)
 DATED DECEMBER 24, 1998, OWNERS.) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 8, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 52043 Riza Avenue, Cabazon, Riverside County, and further described as Assessor's
20 Parcel Number 528-142-004 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Ophelia M. Wallace and Roy G. Wallace, Trustees of the Ophelia
4 M. Wallace and Roy G. Wallace Revocable Trust Dated December 24, 1998 ("OWNERS").

5 2. Documents of title indicate that no other parties potentially hold a legal interest in
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 14,
8 2009, December 2, 2009, January 16, 2010, April 10, 2010, and June 4, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: green waste, trash and debris.

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

13 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
14 County of Riverside, State of California on October 6, 2009, as instrument number 2009-0518213.

15 7. On September 14, 2008, Notices of Violation were posted on THE PROPERTY. On
16 October 22, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
17 OWNERS.

18 8. On April 8, 2010, a "Notice to Correct County Ordinance Violations and Abate Public
19 Nuisance" providing notice of the public hearing before the Board of Supervisors on June 8, 2010
20 was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE
21 PROPERTY on April 10, 2010.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on June 8, 2010, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 52043 Riza
26 Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-142-
27 004 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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2010-030316
06/30/2010 08:00P
2 of 5



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

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Dated: June 29, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kaung Zin
Deputy

(SEAL)



FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong DATE 6/15/10
ALEXANDRA FONG



2010-0303616
06/30/2010 08:06A
4 of 5



**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: 6-29-10

Signature: Karen Barton

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 52043 Riza Avenue, Cabazon
Case No.: CV 09-05054; APN: 528-142-004 District 5

OPHELIA M. WALLACE
ROY G. WALLACE
C/O DIANE WALLACE
13660 N. NATALIE STREET
RATHDRUM ID 83858

OPHELIA M. WALLACE
ROY G. WALLACE
22011 MEILER STREET
TORRANCE CA 90502

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

CERTIFIED MAIL



7009 3410 0000 1317 8226

OPHELIA M WALLACE
ROY G WALLACE
22011 MEILER STREET
TORRANC

Handwritten signature

NIXIE 917 SE 1 00 09/07/10

RETURN TO SENDER
NOT DELIVERABLE
UNABLE TO FORWARD

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9250103644



UNITED STATES POSTAGE
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PROOF OF SERVICE

Case No. CV 09-05054

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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 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
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. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: OPHELIA M WALLACE ROY G WALLACE C/O DIANE WALLACE 13660 N NATALIE STREET RATHDRUM ID 83858	B. Received by (Printed Name) <i>Richard Wallace</i> C. Date of Delivery <i>9-7-10</i>
2. Article Number (Transfer from service label) <i>CV09-05054 (WALLACE) FF 2</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No <i>Richard Wallace</i>
PS Form 3811, February 2004	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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7009 3410 0000 1317 8233 Domestic Return Receipt 102595-02-M-1540



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 2, 2010

RE CASE NO: CV0905054

I, Jason Heagstedt, 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 09/02/10 at 10:45 am, I securely and conspicuously posted Findings of Fact, Conclusion and Order to Abate Nuisance at the property described as:

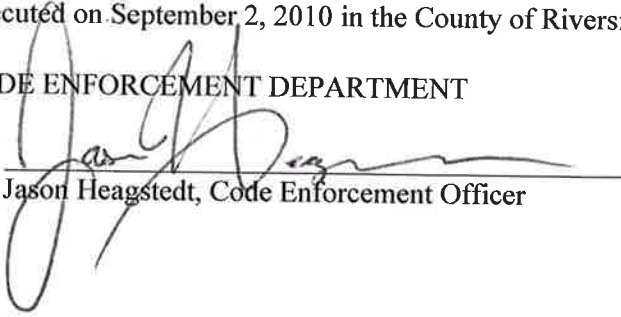
Property Address: 52043 RIZA AVE, CABAZON

Assessor's Parcel Number: 528-142-004

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

Executed on September 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: 
Jason Heagstedt, Code Enforcement Officer