

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

418B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
June 30, 2010

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 09-04927 & CV 09-06523 (SANDOVAL)  
Subject Property: 23371 Gertrude Avenue, Perris  
APN: 342-093-010  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-04927 & CV 09-06523 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 Nos. CV 09-04927 & CV 09-06523; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-04927 & CV 09-06523.

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

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

Policy     Policy   
 Consent     Consent   
 X   

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: July 13, 2010  
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/15/10; 9.3    District: 5    Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**2.8**

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 09-04927 & CV 09-06523  
Subject Property: 23371 Gertrude Avenue, Perris  
District Five

**BACKGROUND:**

On June 15, 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 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners of  
4 THE PROPERTY as Miguel Sandoval and Leticia Sandoval ("OWNERS").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Capital One Bank, Beneficial California, Inc., State of California Franchise  
7 Tax Board and Tap Trang ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 31, 2009,  
9 December 10, 2009, January 27, 2010, February 24, 2010, April 22, 2010, April 29, 2010 and June  
10 11, 2010.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: rocks, brick, fencing, window panes, furniture, appliances, scrap wood, green  
14 waste, wood, blocks, flooring, a table saw and stove and household trash. The officer measured the  
15 amount of accumulated rubbish and excess outside storage of materials as approximately twenty  
16 thousand eight hundred (20,800) square feet. Given the size of the parcel (2.39 acres) and the zoning  
17 classification (R-R, Rural Residential), two hundred (200) square feet of outside storage and no  
18 amount of rubbish is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on January 21, 2010, as Document Number  
22 2010-0025171 in the Office of the County Recorder, County of Riverside.

23 7. On August 31, 2009, Notices of Violation for violation of Riverside County Ordinance  
24 Nos. 348 and 541 were posted on THE PROPERTY. On September 29, 2009 and January 7, 2010,  
25 Notice of Violations were mailed to OWNERS and on September 29, 2009 were mailed to  
26 INTERESTED PARTIES by certified mail, return receipt requested.

27 8. On April 28, 2010, the "Notice To Correct County Ordinance Violations and Abate  
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

2010-0336127  
07/19/2010 08:08A  
2 of 6



1 for June 15, 2010, was mailed by certified mail, return receipt requested, to OWNERS and  
2 INTERESTED PARTIES and was posted on THE PROPERTY on April 29, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
5 regular session assembled on June 15, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
7 the real property located at 23371 Gertrude Avenue, Perris, Riverside County, California, also  
8 identified as Assessor's Parcel Number 342-093-010 violates Riverside County Ordinance Nos. 348  
9 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
10 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials  
11 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no  
12 amount of rubbish is allowed to be accumulated on THE PROPERTY.

13 2. WHEREAS, THE OWNERS, occupants or any person having possession or control  
14 of the premises should abate the condition by removal of all outside storage of materials in excess of  
15 two hundred (200) square feet and removing and disposing of all accumulated rubbish from the  
16 subject real property in strict accordance with all Riverside County Ordinances, including but not  
17 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)  
18 within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Miguel  
26 Sandoval and Leticia Sandoval, or anyone having possession or control of THE PROPERTY, by  
27 removing all of the outside storage of materials in excess of two hundred (200) square feet and  
28 removing and disposing of all accumulated rubbish from the subject real property in strict accordance

2010-0336127  
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1 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.  
2 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this  
3 Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
5 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
6 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)  
7 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
8 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
9 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
10 consent or a Court Order when necessary under applicable law.

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

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FORM APPROVED COUNTY COUNSEL  
BY: L. Alexandra Fong DATE 6/2/10

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.

3  
4 Dated: JULY 13, 2010

COUNTY OF RIVERSIDE

5  
6 By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

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

11 By Kalambayatan  
12 Deputy  
13 (SEAL)



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2010-0336127  
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5 of 6

A barcode is located at the bottom center of the page, below the text "2010-0336127".



**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: 7-13-10

Signature: *Karen Barton*

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





English

Customer Service

USPS Mobile

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Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

# Track & Confirm

You entered: 7009341000013181943

### Status: Arrival at Unit

Your item arrived at 5:30 am on August 04, 2010 in SANTA MONICA, CA 90405. No further information is available for this item. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

I would like to receive notification on this request



### Find Another Item

What's your label (or receipt) number?

### LEGAL

- Privacy Policy >
- Terms of Use >
- FOIA >
- No FEAR Act EEO Data >

### OTHER USPS SITES

- Business Customer Gateway >
- Postal Inspectors >
- Inspector General >
- Postal Explorer >

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ON USP  
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7009 3410 0000 0131 81943

U.S. Postal Service <sup>TM</sup>		
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
<b>OFFICIAL USE</b>		
Postage	\$ .66	MAILED 8/2/10  Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.76</b>	
Sent To		
BENEFICIAL CALIFORNIA, INC.		
C/O PARIS & PARIS		
424 PICO BLVD.		
SANTA MONICA, CA 90405		
PS Form 3800, August 2006 See Reverse for Instructions		

# NOTICE LIST

Subject Property: 23371 Gertrude Avenue, Perris  
 Case Nos.: CV 09-04927 & CV09-06523; APN: 342-093-010; District 5

MIGUEL SANDOVAL  
 LETICIA SANDOVAL  
 23371 GERTRUDE AVENUE  
 PERRIS, CA 92570

CAPITAL ONE BANK  
 C/O CIR LAW OFFICE, LLP  
 8665 GIBBS DR., STE. 150  
 SAN DIEGO, CA 92123

BENEFICIAL CALIFORNIA, INC.  
 C/O PARIS & PARIS  
 424 PICO BLVD.  
 SANTA MONICA, CA 90405

STATE OF CALIFORNIA  
 FRANCHISE TAX BOARD  
 PO BOX 2952  
 SACRAMENTO, CA 95812

TAP TRANG  
 C/O MICHAEL KLEIN, ESQ.  
 900 PIER VIEW WAY  
 OCEANSIDE, CA 92054

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
1. Article Addressed to:  CAPITAL ONE BANK C/O CIR LAW OFFICE, LLP 8665 GIBBS DR., STE. 150 SAN DIEGO, CA 92123		A. Signature [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		B. Received by (Printed Name) [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.		C. Date of Delivery [Signature] 8/27/10	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
7009 3410 0000 1318 1936		AUG 3 2010	
Domestic Return Receipt		102595-02-M-1540	

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
■ 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 [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  TAP TRANG C/O MICHAEL KLEIN, ESQ. 900 PIER VIEW WAY OCEANSIDE, CA 92054		B. Received by (Printed Name) [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		C. Date of Delivery [Signature] 8/31/10	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		7009 3410 0000 1318 1967	
Domestic Return Receipt		102595-02-M-1540	

# NOTICE LIST

Subject Property: 23371 Gertrude Avenue, Perris  
 Case Nos.: CV 09-04927 & CV09-06523; APN: 342-093-010; District 5

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

STATE OF CALIFORNIA  
 FRANCHISE TAX BOARD  
 PO BOX 2952  
 SACRAMENTO, CA 95812

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input type="checkbox"/> Agent
X Ferrin Correa		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
Ferrin Correa		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, enter delivery address below:		

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Return Receipt for Merchandise
- C.O.D.
- Express Mail

4. Restricted Delivery? (Extra Fee)  Yes  No

2. Article Number  
 (Transfer from service label)

7009 3410 0000 1318 1950

PS Form 3811, February 2004

Domestic Return Receipt

102395-02-M-1540

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

CERTIFIED MAIL



7009 3410 0000 1318 1929

MIGUEL SANDOVAL  
 LETICIA SANDOVAL  
 23371 GERTRUDE AVENUE  
 PERRIS, CA 92570

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

*DRG MS*  
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**PROOF OF SERVICE**  
Case Nos. CV 09-04927 & CV 09-06523

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, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on August 2, 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)**

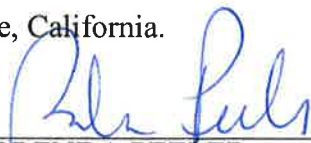
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 August 2, 2010, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

August 3, 2010

RE CASE NO: CV0904927

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 8/3/10 at 09:15 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Public Nuisance at the property described as:

**Property Address:** 23371 GERTRUDE AVE, PERRIS

**Assessor's Parcel Number:** 342-093-010

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

Executed on August 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Jennifer Morris, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

August 3, 2010

RE CASE NO: CV0906523

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 8/3/10 at 09:10 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Public Nuisance at the property described as:

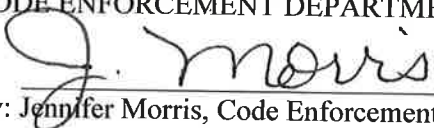
**Property Address:** 23371 GERTRUDE AVE, PERRIS

**Assessor's Parcel Number:** 342-093-010

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

Executed on August 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Jennifer Morris, Code Enforcement Officer