

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

493



SUBMITTAL DATE:
June 30, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-10075 (TOWNSEND)
Subject Property: 1 Parcel South of 21857 Old Elsinore Road, Perris
APN 322-140-005
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-10075 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 09-10075; 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 09-10075.

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 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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

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

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

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

[EXEMPT'6103]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:
[ACCUMULATION OF RUBBISH]; APN 322-
12 140-005, ONE PARCEL SOUTH OF 21857 OLD
ELSinORE ROAD, PERRIS, RIVERSIDE
13 COUNTY, CALIFORNIA; A. BRIAN
TOWNSEND, OWNER.

CASE NO. CV 09-10075
FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE
[R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 15, 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 One Parcel South of 21857 Old Elsinore Road, Perris, Riverside County, and further
20 described as Assessor's Parcel Number 322-140-005 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 Owner 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.

28 ///

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07/19/2010 08:00A
2 of 5



SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as A. Brian Townsend ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Mary R. Townsend ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 28,
7 2009, November 18, 2009, February 17, 2010, April 29, 2010 and June 11, 2010.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: green waste, concrete, boats, tires
10 and general 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 19, 2009 as instrument number 2009-0538480.

15 7. On November 18, 2009, a Notice of Violation was posted on THE PROPERTY. On
16 November 23, 2009 and January 5, 2010, Notices of Violation were mailed by certified mail, return
17 receipt requested to OWNER. On January 5, 2010, a Notice of Violation was mailed by certified
18 mail, return receipt requested to INTERESTED PARTY.

19 8. On April 29, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 15,
21 2010 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
22 PARTY and was posted on THE PROPERTY on April 29, 2010.

FINDINGS AND CONCLUSIONS

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

26 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
27 South of 21857 Old Elsinore Road, Perris, Riverside County, California, also identified as Assessor's
28 Parcel Number 322-140-005 violates Riverside County Ordinance No. 541 and constitutes a public

1 nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,

2010-0306129
07/19/2010 08:00A
3 of 5



1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.
5

6 Dated: July 13, 2010

COUNTY OF RIVERSIDE

7
8 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

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14 By Karen [Signature]
15 Deputy

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17 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: [Signature] 6/21/10
L. ALEX ANDRA FONG DATE



2010-0336129
07/13/2010 08:00A
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: 7-13-10

Signature: *Karen Barton*

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



NOTICE LIST

Subject Property: 1 Parcel South of 21857 Old Elsinore Road, Perris
 Case No.: CV 09-10075 APN: 322-140-005; District 5

A BRIAN TOWNSEND
 1677 W. BASELINE ST.
 SAN BERNARDINO, CA 92411

MARY R. TOWNSEND
 1445 N. PEPPER
 RIALTO, CA 92376

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>A BRIAN TOWNSEND 1677 W. BASELINE STREET SAN BERNARDINO CA 92411</p>		<p>A. Signature <i>Brian Townsend</i> <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) _____ <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label) <i>CV09-10075 (Townsend) # 2</i></p> <p>PS Form 3811, February 2004</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>7009 3410 0000 1317 7717</p> <p>Domestic Return Receipt</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>102595-02-M-1540</p>	
<p>1. Article Addressed to:</p> <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p>	

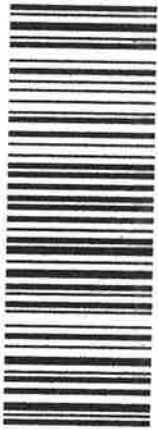
NOTICE LIST

Subject Property: 1 Parcel South of 21857 Old Elsinore Road, Perris
Case No.: CV 09-10075 APN: 322-140-005; District 5

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

*Cloned
P-20*

CERTIFIED MAIL



7009 3410 0000 1317 7106

DELIVERED
MARY R TOWNSEND
1445 N. PEPPER
RIALTO, CA 92376



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

NAME *MR*
1st Notice *8/13*
2nd Notice *8-12*
Return *8-18*





**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 4, 2010

RE CASE NO: CV0910075

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 8/4/10 at 11:00 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:

Property Address: One Parcel South of (21857 Old Elsinore Road), Perris

Assessor's Parcel Number: 322-140-005

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

Executed on August 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer

PROOF OF SERVICE

Case No. 09-10075

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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 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)**

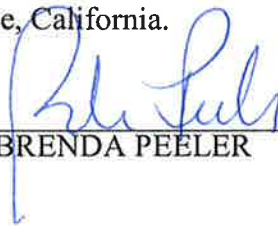
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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