

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

610B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 09-11404 (CHRISTENSEN)
Subject Property: 39533 Calle Anita, Temecula
APN: 941-190-035
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-11404 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 09-11404; 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 09-11404.

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Policy
 Policy
 Consent
 Consent

Dep't Recomm.:
 Per Exec. Ofc.:

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, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 27, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/22/10; 9.3 | District: 3 | Agenda Number:

2.9

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 09-11404
Subject Property: 39533 Calle Anita, Temecula
APN: 941-190-035
District Three

BACKGROUND:

On June 22, 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 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)



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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
rubbish							T:	CTY	UNI

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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:
14 [EXCESSIVE OUTSIDE STORAGE AND
15 ACCUMULATION OF RUBBISH];
16 APN 941-190-035, 39533 CALLE ANITA,
17 TEMECULA, RIVERSIDE COUNTY,
18 CALIFORNIA; ELLEN S. CHRISTENSEN,
19 OWNER.

CASE NO. CV 09-11404

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.32),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on June 22, 2010, before the Board
21 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
22 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
23 described as 39533 Calle Anita, Temecula, Riverside County, California and further described as
24 Assessor's Parcel Number 941-190-035 and referred to hereinafter as "THE PROPERTY."

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

27 Dan Matrisciano appeared on behalf of owner and addressed the Board of Supervisors.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) and as a public

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Ellen S. Christensen ("OWNER").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: Wells Fargo Bank, N.A. and Chicago Title Insurance Company
7 (collectively referred to as "INTERESTED PARTIES"). THE PROPERTY is also occupied by
8 Daniel Matrisciano ("OCCUPANT").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 21, 2009,
10 December 1, 2009, May 4, 2010 and June 17, 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: metal, boxes, plastics and wood. The officer measured the amount of
14 accumulated rubbish and excess outside storage of materials and determined the amount was
15 approximately one thousand six hundred fifty four (1,654) square feet. Given the size of the parcel
16 (4.6 acres) and the zoning classification (R-A-5), two hundred (200) square feet of outside storage
17 and no amount of rubbish is allowed on THE PROPERTY.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 6. A Notice of Noncompliance was recorded on November 4, 2009 as Document
21 Number 2009-0572660 in the Office of the County Recorder, County of Riverside.

22 7. On October 21, 2009, Notices of Violation for violation of Riverside County
23 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On October 27, 2009, Notice of
24 Violations was mailed to OWNER, OCCUPANT and INTERESTED PARTIES by certified mail,
25 return receipt requested.

26 8. On May 3, 2010, the "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for June 22, 2010, was mailed by certified mail, return receipt requested, to OWNER, OCCUPANT



1 and INTERESTED PARTIES and was posted on THE PROPERTY on May 4, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on June 22, 2010, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at 39533 Calle Anita, Temecula, Riverside County, California, also identified
7 as Assessor's Parcel Number 941-190-035 violates Riverside County Ordinance Nos. 348 (RCC
8 Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
9 County Ordinance No. 348, two hundred (200) square feet of outside storage of materials is allowed
10 to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of
11 rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
13 the premises shall abate the condition by removal of all outside storage of materials and removing and
14 disposing of all accumulated rubbish from the subject real property in strict accordance with all
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
16 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Ellen S.
24 Christensen, or anyone having possession or control of THE PROPERTY, by removing all of the
25 outside storage of materials in excess of two hundred (200) square feet and removing and disposing
26 of all accumulated rubbish from the subject real property in strict accordance with all Riverside
27 County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter
28 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate



1 Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
4 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90)
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

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

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2010-0352206
07/28/2010 08:00A
4 of 6

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 7/27/10

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.

4 Dated: July 27, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

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

11 By [Signature]
12 Deputy
13 (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.asrelkrec.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:

7-27-10

Signature:

Karen Barton

Print Name:

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

2010-0352206
07/28/2010 08:00A
6 of 6



English

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Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

You entered: 7009341000013177908

Status: Delivered

Your item was delivered at 9:28 am on August 20, 2010 in GLENDALE, CA 91203. 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



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For delivery information visit our website at www.usps.com		
OFFICIAL USE		
Postage	\$ 1.61	Mailed 8/18/10 Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.71	
Sent To		
Street or PO	CHICAGO TITLE INSURANCE COMPANY	
City, S	535 N. BRAND BLVD	
	GLENDALE CA 91203	
PS Form 3800, August 2006		
See Reverse for Instructions		

NOTICE LIST

Subject Property: 39533 Calle Anita, Temecula
 Case No.: CV 09-11404 APN: 941-190-035; District 3

ELLEN S. CHRISTENSEN
 39533 CALLE ANITA
 TEMECULA, CA 92592

DAN MATRISCIANO/ OCCUPANT
 39533 CALLE ANITA
 TEMECULA, CA 92592

WELLS FARGO BANK, N.A.
 CONSUMER LOAN SERVICING
 PO BOX 31557
 BILLINGS, MT 59107

CHICAGO TITLE INSURANCE COMPANY
 535 N. BRAND BLVD.
 GLENDALE, CA 91203

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 WELLS FARGO BANK NA
 CONSUMER LOAN SERVICING
 PO BOX 31557
 BILLINGS MT 59107

2. Article Number (Transfer from service label) **7009 3410 0000 1317 7892**
 PS Form 3811, February 2004 Domestic Return Receipt

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Ellen Christensen Addressee

B. Received by (Printed Name) Date of Delivery
 Dan Matrisciano 8/23

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 DAN MATRISCIANO/ OCCUPANT
 39533 CALLE ANITA
 TEMECULA CA 92592

2. Article Number (Transfer from service label) **7009 3410 0000 1317 7885**
 PS Form 3811, February 2004 Domestic Return Receipt

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Ellen Christensen Addressee

B. Received by (Printed Name) Date of Delivery
 Ellen Christensen 9-21

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

102595-02-M-1540

PROOF OF SERVICE

Case No. CV 09-11404

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 18, 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 18, 2010, at Riverside, California.

[Handwritten Signature]
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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>E. Christensen</i></p> <p>C. Date of Delivery <i>9-21-10</i></p>
<p>1. Article Addressed to:</p> <p>ELLEN S CHRISTENSEN 39533 CALLE ANITA TEMECULA CA 92592</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</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>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0000 1317 7878</p>

CV 09-11404 (CHRISTENSEN) For 4



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 19, 2010

RE CASE NO: CV0911404

I, Vicky Jordan, 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 8/19/10 at 1:08 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance. at the property described as:

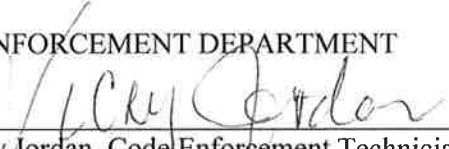
Property Address: 39533 CALLE ANITA, TEMECULA

Assessor's Parcel Number: 941-190-035

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

Executed on August 19, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician