

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

716B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
July 29, 2010

SUBJECT: Order to Abate [Shipping Containers]
Case No. : CV 09-06649 (CASSINI)
Subject Property: 1 Parcel South of 28384 Winchester Rd., Winchester
District: 3; APN: 463-117-007

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06649 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 09-06649; 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 09-06649.

(Continued)


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

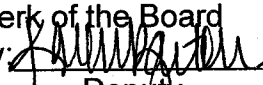
SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: August 10, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case No. CV 09-06649; CASSINI
1 Parcel South of 28384 Winchester Rd., Winchester
Page 2

BACKGROUND:

On June 29, 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 shipping containers 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.



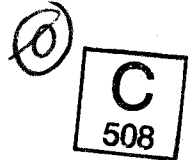
1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

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

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[EXEMPT '6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
12 [SHIPPING CONTAINERS]; APN 463-117-007, 1)
13 PARCEL SOUTH OF 28384 WINCHESTER)
14 ROAD, WINCHESTER, RIVERSIDE COUNTY,)
15 CALIFORNIA; RONALD CASSINI, OWNER.)

CASE NO. CV 09-06649
FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos.348 and 725
R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on June 29, 2010, before the Board of
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as
19 1 Parcel South of 28384 Winchester Road, Winchester, Riverside County, APN: 463-117-007 and
20 referred to hereinafter as "THE PROPERTY."

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

23 Owner appeared and addressed the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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28 ///

2010 AUG 25 PM 2:29
BOARD OF SUPERVISORS

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE
3 PROPERTY as Ronald Cassini ("OWNER").

4 2. Documents of title at the time of the inspection indicated that another party potentially
5 holds a legal interest in THE PROPERTY, to wit: Stirling Trustee Corporation ("INTERESTED
6 PARTY").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers and/or Code
8 Enforcement Technicians on September 21, 2009, October 26, 2009, October 27, 2009, November 24,
9 2009, December 2, 2009, January 25, 2010, June 11, 2010 and June 26, 2010.

10 4. During each inspection, two metal shipping containers were observed on THE
11 PROPERTY.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
13 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded on October 21, 2009 as Document Number
15 2009-0543117 in the Office of the County Recorder, County of Riverside.

16 7. On September 21, 2009, a Notice of Violation was posted on THE PROPERTY. On
17 September 28, 2009, a Notice of Violation was mailed to OWNER and INTERESTED PARTY by
18 certified mail, return receipt requested.

19 8. On June 10, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
20 before the Board of Supervisors on June 29, 2010 was mailed by certified mail, return receipt requested,
21 to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on June 11, 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 29, 2010, finds and concludes that:

25 1. WHEREAS, the two metal shipping containers on the real property located at 1 Parcel
26 South of 28384 Winchester Road, Winchester, Riverside County, California, also identified as Assessor's
27 Parcel Number 463-117-007 violates Riverside County Ordinance No. 348 and constitutes a public
28 nuisance.

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08/15/2010 08:00A
2 of 5



1 2. WHEREAS, the OWNER, occupants or any person having possession or control of the
2 premises shall abate the condition by removing and disposing of the two metal shipping containers from
3 the subject real property in strict accordance with all Riverside County Ordinances, including but not
4 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
5 order.

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

10 **ORDER TO ABATE NUISANCE**

11 IT IS THEREFORE ORDERED that the two metal shipping containers on THE PROPERTY be
12 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
13 disposing of the two metal shipping containers from the subject real property in strict accordance with all
14 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348 within
15 ninety (90) days of the posting or mailing of this order.

16 IT IS FURTHER ORDERED that if the two metal shipping containers are not removed and
17 disposed of in strict accordance with all Riverside County Ordinances, including but not limited to
18 Riverside County Ordinance No. 348, within ninety (90) days of the date of this Order, the two metal
19 shipping containers shall be abated by representatives of the Riverside County Code Enforcement
20 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
21 when necessary under applicable law.

22 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
23 be imposed as a lien on the property, which may be collected as a special assessment against the property
24 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and
25 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
26 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
27 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
28 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by

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3 of 5



1 the 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.

5 Dated: August 10, 2010

COUNTY OF RIVERSIDE

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

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

15 By [Signature]

16 Deputy

17 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE: 7/22/10
L. ALEXANDRA FONG



2010-0385454
08/16/2010 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

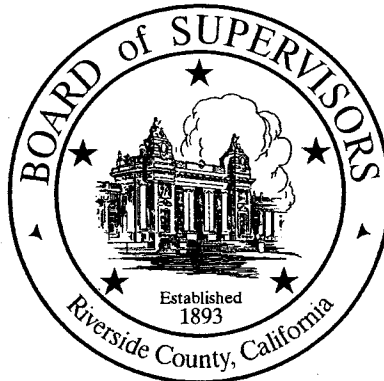
<http://riverside.asrclkrec.com>

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: 03-10-10

Signature: *Karen Barton*

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



PROOF OF SERVICE

Case No. CV 09-06649

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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 31, 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)**

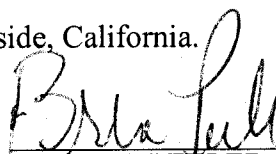
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 31, 2010, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 1, 2010

RE CASE NO: CV0906649

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 9/1/2010 at 2:00 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

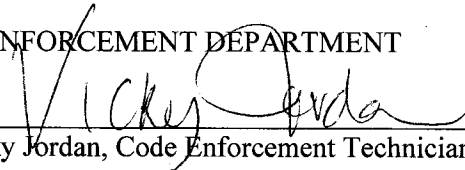
Property Address: 1 PAR s/o 28384 WINCHESTER RD, Winchester

Assessor's Parcel Number: 463-117-007

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

Executed on September 1, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD