

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

128B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 13, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No: CV 04-2611 [ALMEJO]
Subject Property: 32393 Thompson Road, Winchester; APN: 964-010-010
District: 3

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-2611 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 04-2611; 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 04-2611.

L. Alexandra Fong

(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
Jennifer L. Sargent
BY
Jennifer L. Sargent

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavagione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 11, 2011
xc: Co. Co. (3); Recorder

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

Dept' Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No. CV04-2611 [ALMEJO]
32393 Thompson Road, Winchester
Page 2

BACKGROUND:

On December 7, 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 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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [EXCESSIVE OUTSIDE STORAGE]; APN 964-
13 010-010, 32393 THOMPSON ROAD,
14 WINCHESTER, COUNTY OF RIVERSIDE,
15 STATE OF CALIFORNIA; RICARDO ALMEJO
16 AND OBDULIA ALMEJO, OWNERS.

CASE NO. CV 04-2611

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

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

17 The above-captioned matter came on regularly for hearing on December 7, 2010, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 32393 Thompson Road, Winchester, County of Riverside, State of California, APN: 964-
21 010-010 and referred to hereinafter as "THE PROPERTY."

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

24 Owners did not appear.

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

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Ricardo Almejo and Obdulia Almejo ("OWNERS").

2. Documents of title at the time of the inspection indicated that other parties potentially hold a legal interest in THE PROPERTY, to wit: Ronald Pourroy, Maddalena and Daniel Davis, Jose and Helga Sanchez, The Lenna G. Davis Family Limited Partnership and Eastern Municipal Water District ("INTERESTED PARTIES").

3. THE PROPERTY has been inspected by Code Enforcement Officers on November 17, 2009, December 31, 2009, February 3, 2010, March 5, 2010, April 2, 2010, November 12, 2010 and December 2, 2010.

4. During each inspection, outside storage of materials in excess of 200 square feet were observed on THE PROPERTY. The materials included but were not limited to: a 12 x 55 single wide mobile home.

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

6. A Notice of Noncompliance was recorded on March 5, 2010 as Document Number 2010-0101828 in the Office of the County Recorder, County of Riverside.

7. On November 17, 2009, a Notice of Violation was posted on THE PROPERTY. On December 18, 2009, a Notice of Violation was mailed to the OWNERS by certified mail, return receipt requested. On April 12, 2010, a Notice of Violation was mailed to the INTERESTED PARTIES by certified mail, return receipt requested.

8. On November 10, 2010, the second notice - "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 7, 2010, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on November 12, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in



2011-0027292
01/19/2011 09:08A
3 of 5



1 regular session assembled on December 7, 2010, finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials on the real property located at
3 32393 Thompson Road, Winchester, County of Riverside, State of California, also identified as Assessor's
4 Parcel Number 964-010-010 violates Riverside County Ordinance No. 348 and constitute a public
5 nuisance.

6 2. WHEREAS, the OWNERS and INTERESTED PARTIES, occupants or any person having
7 possession or control of the premises shall abate the condition by removing and disposing of the excess
8 outside storage of materials from the subject real property in strict accordance with all Riverside County
9 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of
10 the posting or mailing of this order.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
17 be abated by the OWNERS and INTERESTED PARTIES or anyone having possession or control of THE
18 PROPERTY, by removing and disposing of the outside excess storage of materials from the subject real
19 property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
20 County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

21 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
22 accordance with all Riverside County Ordinances, including but not limited to Riverside County
23 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
24 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a
25 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
26 necessary under applicable law.

27 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
28 be imposed as a lien on the property, which may be collected as a special assessment against the property

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE: 12/23/10

1 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 348 and 725. Under
2 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to
3 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
4 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs
5 associated with the removal or correction of the violation." Reasonable abatement costs accrued by the
6 Department will be recoverable from the property owner(s) even if the property is brought into
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

10 Dated: January 11, 2011

COUNTY OF RIVERSIDE

12 By Bob Buster
13 **BOB BUSTER**
14 Chairman, Board of Supervisors

14 ATTEST:

16 **KECIA HARPER-IHEM**

17 Clerk to the Board

20 By Karen J. [Signature]
21 Deputy

22 (SEAL)



2011-0027292
01/19/2011 09:08A
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**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:

1-11-11

Signature:

Karen Barton

Print Name:

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



PROOF OF SERVICE

Case No. CV04-2611

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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, Suite 500, Riverside, California 92501-3674.

That on March 31, 2011, 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)**

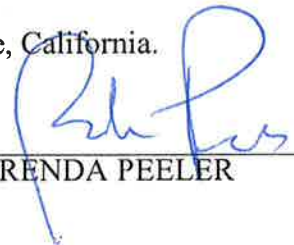
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 March 31, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

April 5, 2011

RE CASE NO: CV042611

I, Ariana Meza, 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 04/04/2011 at 11:20am, I securely and conspicuously posted Findings of Fact, Conclusions and Order To Abate Nuisance, Proof of Service and Notice List at the property described as:


Property Address: 32393 THOMPSON RD, WINCHESTER

Assessor's Parcel Number: 964-010-010

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

Executed on April 5, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Ariana Meza, Code Enforcement Technician

NOTICE LIST

Subject Property: 32393 Thompson Road, Winchester
Case No.: CV 04-2611; APN: 964-010-010; District 3

RICARDO ALMEJO
OBDULIA ALMEJO
37760 BOREL ROAD
MURRIETA, CA 92563

EASTERN MUNICIPAL WATER DISTRICT
C/O ALBERT A. WEBB ASSOCIATES
ATTN: LENI ZARATE
3788 MC CRAY ST.
RIVERSIDE, CA 92506

RONALD POURROY
36050 POURROY ROAD
WINCHESTER, CA 92396

THE LENNA G. DAVIS FAMILY
LTD. PARTNERSHIP
C/O DANIEL M. DAVIS
956 MANGROVE AVENUE
CHICO, CA 95926

<p>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="text-align: center;">RICARDO ALMEJO OBDULIA ALMEJO 37760 BOREL ROAD MURRIETA CA 92563</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i> <input checked="" type="checkbox"/></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Obdulia Almejo</i> <input type="checkbox"/></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 2em; color: blue;">C04-2611 (ALMEJO) FOF 4</p> <p>7010 1670 0001 7232 3347</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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

<p>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="text-align: center;">EASTERN MUNICIPAL WATER DISTRICT C/O ALBERT A. WEBB ASSOCIATES ATTN: LENI ZARATE 3788 MC CRAY ST RIVERSIDE CA 92506</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i> <input checked="" type="checkbox"/></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>S. VindeKoll</i> <input type="checkbox"/></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p style="font-size: 2em; color: blue;">A/C</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 2em; color: blue;">C04-2611 (ALMEJO) FOF 4</p> <p>7010 1670 0001 7232 3354</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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 3378

CV 04-2611

THE LENNA G DAVIS FAMILY
LTD PARTNERSHIP
C/O DANIEL M DAVIS
956 MANGI
CHICO CA

NIXIE DE 1 00 04/07/11

NOT DELIVERABLE AS ADDRESSED
RETURN TO SENDER
UNABLE TO FORWARD

DC: 92501354425 *1004 00125 01 40

CERTIFIED MAIL™



7010 1670 0001 7232 3361

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

NOTICE LIST

Subject Property: 32393 Thompson Road, Winchester
Case No.: CV 04-2611; APN: 964-010-010; District 3



NSN

RONALD POURROY
36050 POURROY ROAD
WINCHESTER CA 92396

NIXIE 923 SE 1 00 04/03/11

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

BC: 92501354425 *2504-22206-01-33

92501354425

