

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

129B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 06-7011 [ZINIUK]
Subject Property: 59325 Upper Tule Fire Road, Anza; APN: 579-310-038
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-7011 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 06-7011; 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 06-7011.

Departmental Concurrence

(Continued)

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
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, Tavaglione, 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's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 9.3

District: 3

Agenda Number:

2.12

Order to Abate
Case No. CV06-7011 [ZINIUK]
59325 Upper Tule Fire Road, Anza
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 and accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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



4
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]

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 579-310-038, 59325 UPPER TULE FIRE
17 ROAD, ANZA, COUNTY OF RIVERSIDE,
18 STATE OF CALIFORNIA; JACK ZINIUK,
19 OWNER.

CASE NO. CV 06-7011

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.16),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on December 7, 2010, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described as 59325 Upper Tule Fire Road, Anza, County of Riverside, State of California
24 and further described as Assessor's Parcel Number 579-310-038 and referred to hereinafter as "THE
25 PROPERTY."

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

28 No one appeared on behalf of Owner.

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

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners of
6 THE PROPERTY as Jack Ziniuk, ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: Kenneth Carter, Lewis G. Linn and Helen L. Linn, and Central Jail Bail Bonds.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on November 9,
10 2009, March 15, 2010, April 26, 2010, June 28, 2010, October 21, 2010, November 15, 2010 and
11 December 2, 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: appliances, furniture, tire, pipes, pots, buckets, wood, fencing, tubs, sheet metal,
15 garage doors, wood, cardboard, household trash, barrels, blankets, tools, bins, crates, dog houses,
16 kennels, sheds, tarps, clothing and other miscellaneous trash and debris. The officer, using the pacing
17 method, estimated the amount of accumulated rubbish and excess outside storage of materials was
18 approximately thirty seven thousand six hundred (37,600) square feet. Given the size of the
19 unimproved parcel (6.52 acres) and the zoning classification (R-R, Rural Residential), no amount of
20 outside storage or rubbish is allowed on THE PROPERTY.

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

23 6. A Notice of Noncompliance was recorded on July 31, 2009, as Document Number
24 2009-0400301 in the Office of the County Recorder, County of Riverside.

25 7. On March 30, 2010, Notices of Violation for violation of Riverside County Ordinance
26 Nos. 348 and 541 were mailed to the OWNER and on March 30, 2010 and May 25, 2010 were
27 mailed to INTERESTED PARTIES by certified mail, return receipt requested.

28 8. On November 10, 2010, the second notice - "Notice to Correct County Ordinance



1 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
2 Supervisors scheduled for December 7, 2010, was mailed by certified mail, return receipt requested,
3 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on November
4 15, 2010.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on December 7, 2010, finds and concludes that:

8 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
9 the real property located at 59325 Upper Tule Fire Road, Anza, County of Riverside, State of
10 California, also identified as Assessor's Parcel Number 579-310-038 violates Riverside County
11 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public
12 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
13 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
14 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
15 PROPERTY.

16 2. WHEREAS, the OWNER, INTERESTED PARTIES, occupants or any person having
17 possession or control of the premises shall abate the condition by removal of all outside storage of
18 materials and removing and disposing of all accumulated rubbish from the subject real property in
19 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
20 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNER and INTERESTED



1 PARTIES, specifically Jack Ziniuk or anyone having possession or control of THE PROPERTY, by
2 removing all of the outside storage of materials and removing and disposing of all accumulated
3 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
4 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541
5 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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28 ///



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4 of 6

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

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: January 11, 2011

COUNTY OF RIVERSIDE

5
6 By Bob Buster
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Kecia Harper-Ihem
13 Deputy

14 (SEAL)



2011-0027293
01/19/2011 09:08A
5 of 6



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: 1-11-11

Signature: *Karen Barton*

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



PROOF OF SERVICE

Case No. CV06-7011

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: CV067011

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 3:15pm, 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:

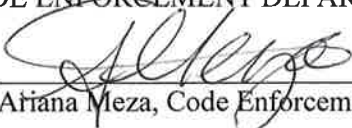
Property Address: 59325 UPPER TULE FIRE RD, ANZA

Assessor's Parcel Number: 579-310-038

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: 59325 Upper Tule Fire Rd., Anza
Case No.: CV 06-7011; APN: 579-310-038; District 3

ESTATE OF JACK ZINIUK
59325 UPPER TULE FIRE ROAD
ANZA, CA 92539

KENNETH CARTER
PO BOX 986
WILDOMAR, CA 92395

LEWIS G. LINN
HELEN L. LINN
25996 GRAY WAY
HEMET, CA 92544

CENTRAL JAIL BAIL BONDS
430 BAUCHET ST.
LOS ANGELES, CA 90012

NOTICE LIST

Subject Property: 59325 Upper Tule Fire Rd., Anza
Case No.: CV 06-7011; APN: 579-310-038; District 3

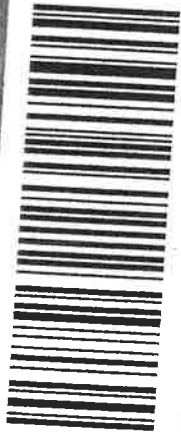
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: CENTRAL JAIL BAIL BONDS 430 BAUCHET ST LOS ANGELES CA 90012	B. Received by (<i>Printed Name</i>) C. Date of Delivery 4-4-11 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	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.
PS Form 3811, February 2004	4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes 7010 1670 0001 7232 3330 Domestic Return Receipt 102595-02-M-1540

NOTICE LIST

Subject Property: 59325 Upper Tule Fire Rd., Anza
Case No.: CV 06-7011; APN: 579-310-038; District 3

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

CERTIFIED MAIL™



7010 1670 0001 7232 3316



KENNETH CARTER
PO BOX 986
WILDOMAR CA 92395

PAUSE
1st Notice
2nd Notice
APR 2 2011

NIXIE

923 DE 1 00 04/25/11
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

RC: 92501384423 *1004-00041-01-37

92501384423



