

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-05966 [JOHNSON]
Subject Property: 44640 Highway 371, Aguanga; APN: 583-160-025
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05966 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 09-05966; 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 09-05966.

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:

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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 Recomm.:
Per Exec. Ofc.:

Order to Abate
Case No.: CV09-05966 [JOHNSON]
44640 Highway 371, Aguanga
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BACKGROUND:

On November 30, 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 583-160-025, 44640 HIGHWAY 371,
17 AGUANGA, RIVERSIDE COUNTY,
18 CALIFORNIA; FRANK C. JOHNSON AND
19 MERLE I. JOHNSON, OWNERS.

CASE NO. CV 09-05966

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 November 30, 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 44640 Highway 371, Aguanga, Riverside County, California and further
24 described as Assessor's Parcel Number 583-160-025 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 Owners.

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 Frank C. Johnson and Merle I. Johnson ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold legal interests in THE
8 PROPERTY to wit: Ameriquet Mortgage Company, Citi Residential Lending, Inc. , and Deutsche
9 Bank National Trust.

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 11, 2009,
11 October 19, 2009, December 8, 2009, February 16, 2010, May 4, 2010 and November 29, 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: scrap wood, scrap metal, appliances, machinery, construction materials, tools,
15 chain link fencing, auto parts, tires, furniture and exercise equipment. The officer visually estimated
16 the amount of accumulated rubbish and excess outside storage of materials was approximately three
17 thousand nine hundred thirty (3,930) square feet. Given the size of the unimproved parcel (3.03
18 acres) and the zoning classification R-R (Rural Residential), no amount of outside storage or rubbish
19 is allowed on THE PROPERTY.

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

22 6. A Notice of Noncompliance was recorded on November 4, 2009 as Document
23 Number 2009-0572647 in the Office of the County Recorder, County of Riverside.

24 7. On August 11, 2009, a Notice of Violation for violation of Riverside County
25 Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On August 13, 2009, Notices of
26 Violation were mailed to OWNERS and on January 12, 2010, were mailed to INTERESTED
27 PARTIES.

28 8. On May 3, 2010, the "Notice to Correct County Ordinance Violations and Abate

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01/19/2011 09:08A
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1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
2 for June 22, 2010, was mailed by certified mail, return receipt requested, to OWNERS and
3 INTERESTED PARTIES and was posted on THE PROPERTY on May 4, 2010.

4 9. On June 23, 2010, the “Continuation Notice to Correct County Ordinance Violations
5 and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors
6 scheduled for August 31, 2010, was mailed by certified mail, return receipt requested, to OWNERS
7 and INTERESTED PARTIES and was posted on THE PROPERTY on June 29, 2010.

8 10. On October 6, 2010, the “Continuation Notice to Correct County Ordinance
9 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
10 Supervisors scheduled for November 30, 2010, was mailed by certified mail, return receipt requested,
11 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on October 7,
12 2010.

13 **FINDINGS AND CONCLUSIONS**

14 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
15 regular session assembled on November 30, 2010, finds and concludes that:

16 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
17 the real property located at 44640 Highway 371, Aguanga, Riverside County, California, also
18 identified as Assessor's Parcel Number 583-160-025 violates Riverside County Ordinance Nos. 348
19 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
20 Riverside County Ordinance No. 348, due to the parcel being unimproved no amount of outside
21 storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County
22 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

23 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
24 of the premises shall abate the condition by removal of all outside storage of materials and removing
25 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
26 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
27 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

28 3. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that the time

1 within which judicial review of the administrative determinations made herein must be sought is ninety
2 (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
3 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the excess outside storage of materials and
6 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Frank C.
7 Johnson, Merle I. Johnson, or anyone having possession or control of THE PROPERTY, by
8 removing all of the outside storage of materials and removing and disposing of all accumulated
9 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
10 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541
11 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

28 ///

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FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG DATE 12/14/10

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: January 11, 2011

COUNTY OF RIVERSIDE

By *Bob Buster*
BOB BUSTER
Chairman, Board of Supervisors

7 ATTEST:

8 **KECIA HARPER-IHEM**

9 Clerk to the Board

11 By *Karungsten*

12 Deputy

13 (SEAL)



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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. CV09-05966

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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)**

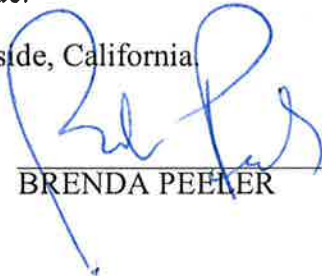
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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: CV0905966

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 2:25pm, 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: 44640 HIGHWAY 371, AGUANGA

Assessor's Parcel Number: 583-160-025

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: 44640 Highway 371, Aguanga
Case No.: CV 09-05966 APN: 583-160-025; District 3

FRANK C. JOHNSON [Via Certified and Regular Mail]

MERLE I. JOHNSON
C/O PENNIE STAVAST
PO BOX 296
AGUANGA, CA 92536

AMERIQUEST MORTGAGE COMPANY
1100 TOWN & COUNTRY RD., STE. 200
ORANGE, CA 92868

CITI RESIDENTIAL LENDING, INC.
6801 COLWELL BLVD
IRVING TX 75039-3198

DEUTSCHE BANK NATIONAL TRUST
1761 E. ST. ANDREW PLACE
SANTA ANA, CA 92705

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>1. Article Addressed to:</p> <p>DEUTSCHE BANK NATIONAL TRUST 1761 E ST ANDREW PLACE SANTA ANA CA 92705</p>	
<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p> <p>7010 1670 0001 7232 3255</p> <p>Domestic Return Receipt 102595-02-M-1540</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>4-4-11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</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>	

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"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>4-4-11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>CITI RESIDENTIAL LENDING, INC. 6801 COLWELL BLVD IRVING TX 75039-3198</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>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p> <p><i>W09-05966 (Johnson) For 4</i></p> <p>7010 1670 0001 7232 3262</p> <p>Domestic Return Receipt 102595-02-M-1540</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

NOTICE LIST

Subject Property: 44640 Highway 371, Aguanga
Case No.: CV 09-05966 APN: 583-160-025; 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) C. Date of Delivery </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>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> AMERQUEST MORTGAGE COMPANY 1100 TOWN & COUNTRY RD STE 200 ORANGE CA 92868 </div> <p style="color: blue; font-style: italic;">W09-05966 (Johnson) For 4</p>	<p>3. Service Type <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> C.O.D.</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>2. Article Number 7010 1670 0001 7232 3279 (Transfer from service label)</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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 type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) C. Date of Delivery </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>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> FRANK C JOHNSON MERLE I JOHNSON C/O PENNIE STAVAST PO BOX 296 AGUANGA CA 92536 </div> <p style="color: blue; font-style: italic;">W09-05966 (Johnson) For 4</p>	<p>3. Service Type <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> C.O.D.</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>2. Article Number 7010 1670 0001 7232 3248 (Transfer from service label)</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	