

**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 [Shipping Containers & Accumulated Rubbish]
Case No: CV 09-10817 [INGRAM]
Subject Property: 21965 Old Elsinore Road, Perris; APN: 322-200-015
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-10817 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 09-10817; 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 09-10817.

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's Recomm.:
Per Exec. Ofc.:

Order to Abate
Case No. CV09-10817 [INGRAM]
21965 Old Elsinore Road, Perris
Page 2

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 shipping containers 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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY		
1			6								
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM		
nchg cc								T:	CTY	UNI	509

[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 AND METAL
16 SHIPPING CONTAINERS]; APN 322-200-015,
17 21965 OLD ELSINORE ROAD, PERRIS,
18 COUNTY OF RIVERSIDE, STATE OF
19 CALIFORNIA; WILLIAM B. INGRAM,
20 TRUSTEE OF THE SURVIVOR'S TRUST
21 CREATED UNDER THE INGRAM FAMILY
22 1990 LIVING TRUST UNDER DECLARATION
23 OF TRUST DATED MAY 1, 1990, OWNER.

CASE NO. CV 09-10817

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17),
541 (RCC Chapter 8.120)]

24 The above-captioned matter came on regularly for hearing on November 30, 2010, before the
25 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
26 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
27 property described as 21965 Old Elsinore Road, Perris, County of Riverside, State of California and
28 further described as Assessor's Parcel Number 322-200-015 and referred to hereinafter as "THE
PROPERTY."

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

Mr. Ingram appeared on behalf of OWNER and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
3 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner
7 of THE PROPERTY as William B. Ingram, Trustee of the Survivor's Trust created under the Ingram
8 Family 1990 Living Trust under Declaration of Trust dated May 1, 1990, ("OWNER").

9 2. Documents of title indicate that other parties potentially hold legal interests in THE
10 PROPERTY to wit: Eric Ingram, Southern California Funding and Associates Financial Services
11 Company.

12 3. THE PROPERTY was inspected by Code Enforcement Officers on November 23,
13 2009, January 19, 2010, March 16, 2010, April 29, 2010, July 2, 2010 and November 23, 2010.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
16 were not limited to: scrap metal, lawn furniture, scrap wood, damaged bicycles, household items,
17 lawn mowers, machinery, car parts, tires and green waste. Using the pacing method, the officer
18 estimated the amount of accumulated rubbish and excess outside storage of materials was
19 approximately five thousand four hundred twenty (5,420) square feet. Given the size of the
20 unimproved parcel (1 acre) and the zoning classification R-R ½ (Rural Residential with at least one-
21 half acre), no amount of outside storage or rubbish is allowed on THE PROPERTY.

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

24 6. A Notice of Noncompliance was recorded on December 16, 2009, as Document
25 Number 2009-0647379 in the Office of the County Recorder, County of Riverside.

26 7. On November 23, 2009, Notices of Violation for violation of Riverside County
27 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On December 2, 2009 and April 2,
28 2010, Notice of Violations was mailed to OWNER by certified mail, return receipt requested.



2011-0627297
01/19/2011 09:08A
3 of 6



1 8. On June 30, 2010, the “Notice to Correct County Ordinance Violations and Abate
2 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
3 for August 10, 2010, was mailed by certified mail, return receipt requested, to OWNER,
4 INTERESTED PARTIES AND TENANT by certified mail, return receipt requested and was posted
5 on THE PROPERTY on July 2, 2010.

6 9. On August 17, 2010, the “Continuation Notice to Correct County Ordinance
7 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
8 Supervisors scheduled for September 14, 2010, was mailed by certified mail, return receipt requested,
9 to OWNER, INTERESTED PARTIES AND TENANT by certified mail, return receipt requested
10 and was posted on THE PROPERTY on August 19, 2010.

11 10. On September 15, 2010, the “Continuation Notice to Correct County Ordinance
12 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
13 Supervisors scheduled for November 30, 2010, was mailed by certified mail, return receipt requested,
14 to OWNER, INTERESTED PARTIES AND TENANT by certified mail, return receipt requested
15 and was posted on THE PROPERTY on September 17, 2010.

16 **FINDINGS AND CONCLUSIONS**

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

19 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
20 the real property located at 21965 Old Elsinore Road, Perris, County of Riverside, State of California,
21 also identified as Assessor's Parcel Number 322-200-015 violates Riverside County Ordinance Nos.
22 348 (RCC Chapter 17.16 and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
23 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
24 PROPERTY.

25 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
26 of the premises shall abate the condition by removal of all outside storage of materials and removing
27 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
28 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348

1 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the excess outside storage of materials and
8 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically William B.
9 Ingram, Trustee of the Survivor's Trust created under the Ingram Family 1990 Living Trust under
10 Declaration of Trust dated May 1, 1990, or anyone having possession or control of THE
11 PROPERTY, by removing all of the outside storage of materials and removing and disposing of all
12 accumulated rubbish from the subject real property in strict accordance with all Riverside County
13 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)
14 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

2011-0027297
01/19/2011 03:08H
4 of 6



FORM APPROVED COUNTY COUNSEL
BY: Alexis 12/13/10 DATE
L. ALEXANDRA FONG

1 attorneys fees, and the costs associated with the removal or correction of the violation.” Reasonable
2 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
3 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
4 this Order to Abate Nuisance.

6 Dated: January 11, 2011

COUNTY OF RIVERSIDE

By Bob Buster
BOB BUSTER
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM
11 Clerk to the Board

13 By Karen [Signature]
14 Deputy

15 (SEAL)



2011-0027297
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.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. CV09-10817

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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)**

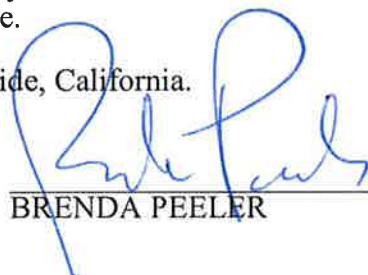
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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: CV0910817

I, Jennifer Morris, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 4/5/11 at 12:30 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:

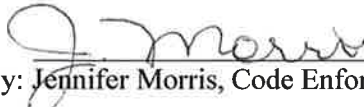
Property Address: 21965 OLD ELSINORE RD, PERRIS

Assessor's Parcel Number: 322-200-015

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: Jennifer Morris, Code Enforcement Officer

NOTICE LIST

Subject Property: 21965 Old Elsinore Road, Perris
Case No.: CV 09-10817 APN: 322-200-015; District 5

WILLIAM B. INGRAM
C/O ELAINE GRAY
22200 NORMA STREET
PERRIS, CA 92570

ERIC INGRAM/TENANT -OCCUPANT
21965 OLD ELSINORE ROAD
PERRIS, CA 92570

ASSOCIATES FINANCIAL SERVICES COMPANY
OF CALIFORNIA, INC.
250 CARPENTER FREEWAY
IRVING, TX 75266-0237

NOTICE LIST

Subject Property: 21965 Old Elsinore Road, Perris
Case No.: CV 09-10817 APN: 322-200-015; District 5

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

CERTIFIED MAIL



7010 1670 0001 7232 3194



PITNEY BOWES

\$ 005.710

02 1P
0003958246 MAR 31 2011
MAILED FROM ZIP CODE 92501

Handwritten notes in a circle:
NLL
NLR
2/12 flunk

ERIC INGRAM/TENANT -OCCUPANT
21965 OLD ELSINORE ROAD
PERRIS, CA 92570

9250135425



NIXIE 923 DE 1 00 04/22/11

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 9250135425 *1004-01479-01-37

NOTICE LIST

Subject Property: 21965 Old Elsinore Road, Perris
Case No.: CV 09-10817 APN: 322-200-015; District 5

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

CERTIFIED MAIL™



7010 1670 0001 7232 3217

BERNARDINO CA 924

01 APR 2011



02 1P
0003958246 MAR 31 2011
MAILED FROM ZIP CODE 92501

\$ 005.74

WILLIAM B. INGRAM
C/O ELAINE GRAY
22200 NORMA STREET
PERRIS, CA

NIXIE 923 SE 1 00 04/22/11

RETURN TO SENDER
UNABLE TO FORWARD

BC: 92501954425 *2804-12974-01-44

92570+52501954425



Handwritten notes:
4-3
ML
Yes
WJ

NOTICE LIST

Subject Property: 21965 Old Elsinore Road, Perris
Case No.: CV 09-10817 APN: 322-200-015; District

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

CERTIFIED MAIL™



7010 1670 0001 7232 3200



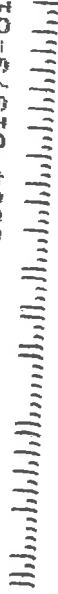
ASSOCIATES FINANCIAL SERVICES COMPANY
OF CALIFORNIA, INC.
250 CARPENTER FREEWAY
IRVING, TX

NIXIE

750 DC 1 00 04/07/11

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 92501354425 *1004-01373-01--37



750628273156f0954