

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

423B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2010

SUBJECT: Abatement of Public Nuisance [Shipping Container]
Case No. : CV 09-12544; SHEEHAN
Subject Property: 42597 Sabina Drive, Hemet; APN: 569-260-037
District: 3

RECOMMENDED MOTION: Move that:

1. The shipping containers on the real property located at 42597 Sabina Drive, Hemet, Riverside County, California, APN: 569-260-037 be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.288).
2. Lora L. Sheehan, Trustee of the Lora Sheehan Trust dated December 19, 2002, the owner of the subject real property, be directed to abate the shipping containers on the property by removing the same from the real property within ninety (90) days.

(Continued)

[Signature]
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: *[Signature]*
Tina Grande
Deputy

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, 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., CED, Prop. Owner, Sheriff

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

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

9.8

3. If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the shipping containers by removing and disposing of the same from the real property.
4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the shipping containers on the real property are declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on January 7, 2010.
2. The inspection revealed two (2) shipping containers on the subject property in violation of Riverside County Ordinance No. 348.
3. Subsequent follow up inspections of the above-described real property on February 8, 2010, March 11, 2010, April 1, 2010, April 19, 2010, April 20, 2010, May 26, 2010 and September 13, 2010, revealed that the property continued to be in violation of Riverside County Ordinance No. 348.
4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of a shipping container.

**BOARD OF SUPERVISORS
PUBLIC HEARING**

Jan. 11, 2011
(Continued 9.3 of Oct. 19, 2010)

AGENDA ITEM NO. 9.8

Supplemental Documents

Abatement of Public Nuisance
42597 Sabina Drive, Hemet
Case No. CV 09-12544

DISTRICT 3

2011-1-104929

PAMELA J. WALLS
County Counsel

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE



KATHERINE A. LIND
Assistant County Counsel

3960 ORANGE STREET, FIFTH FLOOR
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363

October 25, 2010

**CONTINUED NOTICE TO CORRECT COUNTY ORDINANCE
VIOLATIONS AND ABATE PUBLIC NUISANCE**

TO: Owners and Interested Parties
(See Attached Notice List)

Case No.: CV 09-12544
APN: 569-260-037; SHEEHAN
Property: 42597 Sabina Drive, Hemet

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 348 (RCC Title 17) and 725 (RCC Title 1) to consider the abatement of the shipping container located on the SUBJECT PROPERTY described as 42597 Sabina Drive, Hemet, **Riverside County, California**, and more particularly described as Assessor's Parcel Number 569-260-037.


YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by removing the shipping container from the real property.

SAID HEARING that was held on Tuesday, October 19, 2010, at 9:30 a.m. in the Board of Supervisors Room, 4080 Lemon Street, 1st Floor Annex, Riverside, California **has been rescheduled to Tuesday, January 11, 2011 at 9:30 a.m.** at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to this department, will be presented to the Board of Supervisors, for consideration and deliberation in this matter.

Be on notice that in addition to costs that have already accrued for this case, costs associated therewith will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

You are encouraged to contact the Supervising Code Enforcement Officer **Hector Viray at (951) 600-6140** or the undersigned prior to the hearing. Please meet the undersigned or Brian Black, Supervising Code Enforcement Officer, at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
Riverside County Counsel



L. ALEXANDRA FONG
Deputy County Counsel

NOTICE LIST

Subject Property: 42597 Sabina Drive, Hemet
Case No.: CV 09-12544; APN: 569-260-037; District 3

LORA L. SHEEHAN, TTEE
LORA SHEEHAN TRUST
42597 SABINA DRIVE
HEMET, CA 92544

GREEN TREE SERVICING, LLC
7360 S KYRENE ROAD, T325
TEMPE, AZ 85283

<p>1. Article Addressed to:</p> <p style="text-align: center;">LORA L. SHEEHAN, TTEE LORA SHEEHAN TRUST 42597 SABINA DRIVE HEMET, CA 92544</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>2. Article Number (Transfer from service label)</p> <p style="font-size: small;">PS Form 3811, February 2004</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature X <i>Lora Sheehan</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	<p>7009 3410 0000 1317 9230</p> <p style="font-size: x-small;">Domestic Return Receipt 102595-02-M-1540</p>

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<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;">GREEN TREE SERVICING, LLC 7360 S KYRENE ROAD, T325 TEMPE, AZ 85283</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature X <i>DMatter</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: small;">PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7009 3410 0000 1317 9223</p> <p style="font-size: x-small;">Domestic Return Receipt 102595-02-M-1540</p>	<p>CV 09-12544 (SHEEHAN) Apt 2</p>

1 **PROOF OF SERVICE**

2 Case No. CV 09-12544

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Brenda Peeler, declare that I am a citizen of the United States and am employed in the County of
5 Riverside, over the age of 18 years and not a party to the within action or proceeding; that my
6 business address is 3960 Orange Street, 5th Floor, Riverside, California 92501.

7 That on October 25, 2010, I served the following document(s):

8 **CONTINUED NOTICE TO CORRECT COUNTY ORDINANCE
9 VIOLATIONS AND ABATE PUBLIC NUISANCE**

10 by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

11 **Owners or Interested Parties
12 (see attached notice list)**

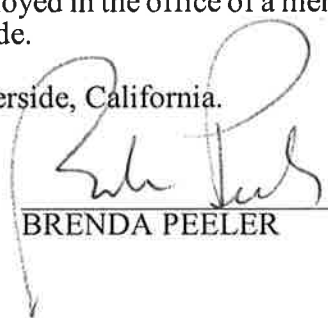
13 XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"
14 with the office's practice of collection and processing correspondence for mailing. Under
15 that practice it would be deposited with the U.S. Postal Service on that same day with
16 postage thereon fully prepaid at Riverside,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

17 **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices
18 of the addressee(s).

19 XX **STATE - I declare under penalty of perjury under the laws of the State of California that the
20 above is true and correct.**

21 **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at
22 whose direction the service was made.**

23 EXECUTED ON October 25, 2010, at Riverside, California.

24 
25 _____
26 BRENDA PEELER
27
28



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

October 27, 2010

RE CASE NO: CV0912544

I, Mark Mandel, 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 10/27/10 at 11:25 AM, I securely and conspicuously posted Continued Notice to Correct County Ordinance Violations and Abate Public Nuisance at the property described as:

Property Address: 42597 SABINA DR, HEMET

Assessor's Parcel Number: 569-260-037

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

Executed on October 27, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Mark Mandel, Code Enforcement Officer