

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

405B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Shipping Containers]
Case No: CV 09-12544 [SHEEHAN]
Subject Property: 42597 Sabina Drive, Hemet; APN: 569-260-037
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12544 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 09-12544; 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 09-12544.

Departmental Concurrence

(Continued)

L. Alex 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

BY: *Jennifer L. Sargent*

Jennifer L. Sargent

County Executive Office Signature

- | | |
|-------------------------------------|---------|
| <input type="checkbox"/> | Policy |
| <input type="checkbox"/> | Consent |
| <input checked="" type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent |

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: February 8, 2011
xc: Co.Co.(3); Recorder

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

Deputy

Dep't Recomm.:
Per Exec. Ofc.:

2.12

Abatement of Public Nuisance
Case No.: CV 09-12544 [SHEEHAN]
42597 Sabina Drive, Hemet
District Three
Page 2

BACKGROUND:

On January 11, 2011, 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 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3

4
5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

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[EXEMPT '6103]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



10
11 IN RE ABATEMENT OF PUBLIC NUISANCE:
[SHIPPING CONTAINERS]; APN 569-260-037,
12 42597 SABINA DRIVE, HEMET, COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA; LORA
13 L. SHEEHAN, TRUSTEE OF THE LORA
SHEEHAN TRUST DATED DECEMBER 19,
14 2002, OWNER.

CASE NO. CV 09-12544

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. No. 348, R.C.C. Chapter 17]

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16
17 The above-captioned matter came on regularly for hearing on January 11, 2011, 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 42597 Sabina Drive, Hemet, Riverside County, APN: 569-260-037 and referred to
21 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 and did not address the Board.

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

28 ///

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Lora L. Sheehan, Trustee of the Lora Sheehan Trust Dated December 19, 2002
4 ("OWNER").

5 2. Documents of title at the time of the inspection indicated that other parties potentially hold
6 a legal interest in THE PROPERTY to wit: Green Tree Servicing, LLC (hereinafter referred to as
7 "INTERESTED PARTY").

8 3. THE PROPERTY has been inspected by Code Enforcement Officers on January 6, 2010,
9 February 8, 2010, March 11, 2010, April 1, 2010, April 19, 2010, April 20, 2010, May 26, 2010,
10 September 14, 2010 and January 7, 2011.

11 4. During each inspection, two metal shipping containers were observed on THE
12 PROPERTY.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
14 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded on May 12, 2010, as Document Number 2010-
16 0220004 in the Office of the County Recorder, County of Riverside.

17 7. On January 6, 2010, a Notice of Violation was posted on THE PROPERTY. On January
18 7, 2010, a Notice of Violation was mailed to the OWNER by certified mail with return receipt requested.
19 On April 30, 2010, a Notice of Violation was mailed to INTERESTED PARTY by certified mail with
20 return receipt requested.

21 8. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October 19,
23 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED PARTY
24 and was posted on THE PROPERTY on September 14, 2010.

25 9. On October 25, 2010, a "Continued Notice to Correct County Ordinance Violations and
26 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
27 January 11, 2011, was mailed by certified mail, return receipt requested, to the OWNER and
28 INTERESTED PARTY and was posted on THE PROPERTY on October 27, 2010.



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on January 11, 2011, finds and concludes that:

4 1. WHEREAS, the two metal shipping containers on the real property located at 42597
5 Sabina Drive, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 569-260-
6 037 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

7 2. WHEREAS, the OWNER, occupants or any person having possession or control of the
8 premises shall abate the condition by removing and disposing of the two metal shipping containers from
9 the subject real property in strict accordance with all Riverside County Ordinances, including but not
10 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
11 order.

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

16 **ORDER TO ABATE NUISANCE**

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

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

28 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall



BY: L. ALEXANDRA FONG DATE: 2/24/11

1 be imposed as a lien on the property, which may be collected as a special assessment against the property
2 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541 and
3 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
4 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
5 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
6 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
7 the Department will be recoverable from the property owner(s) even if the property is brought into
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

11 Dated: February 8, 2011

COUNTY OF RIVERSIDE

13 By Bob Buster
14 Bob Buster
15 Chairman, Board of Supervisors

16 ATTEST:

17
18 KECIA HARPER-IHEM
19 Clerk to the Board

20
21
22 By Karen B. Guter
23 Deputy
24 (SEAL)



27 L:\Code Enforcement\Abatements\2010\2009\CV09-12544\348 FOF.shipping containers.DOC





**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:

2-8-11

Signature:

Karen Barton

Print Name:

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



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

English

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You entered: 70101670000172321336

Status: Delivered

Your item was delivered at 10:41 am on March 17, 2011 in HEMET, CA 92544. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

I would like to receive notification on this request



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- No FEAR Act/EEO Data >

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- Postal Explorer >

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Certified Fee	2.80		
Return Receipt Fee (Endorsement Required)	2.30		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 5.71		
Sent To			
Street, or PO B		LORA L. SHEEHAN, TTEE	
City, State		LORA SHEEHAN TRUST	
		42597 SABINA DRIVE	
		HEMET, CA 92544	
PS Form 3800, August 2006		See Reverse for Instructions	

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Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

You entered: 70101670000172321329

Status: Delivered

Your item was delivered at 10:16 am on March 18, 2011 in TEMPE, AZ 85284. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

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Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.71	
Sent To		
Street, A or PO Box	GREEN TREE SERVICING, LLC	
City, State	7360 S KYRENE ROAD, T325	
	TEMPE, AZ 85283	
PS Form 3800, August 2006		See Reverse for Instructions

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PROOF OF SERVICE

Case No. CV09-12544

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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 15, 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)**

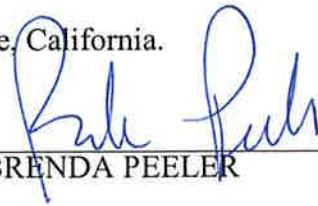
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 15, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

March 17, 2011

RE CASE NO: CV0912544

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 03/16/2011 at 12:10pm, I securely and conspicuously posted Findings of Fact, Conclusions And Order To Abate Nuisance, Notice List and Proof of Service 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 March 17, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Ariana Meza, Code Enforcement Technician

Sheehan