

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

414B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 14, 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 06-3828 [ALLEN]
Subject Property: 18663 Idaleona Rd., Perris; APN: 321-170-040
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3828 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 06-3828; 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 06-3828.

(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

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 26, 2011
xc: Co.Co.(3); Recorder

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Dept's Recomm.:

Per Exec. Ofc.:

Order to Abate
Case No. CV06-3828 [ALLEN]
18663 Idaleona Rd., Perris
APN#321-170-040
District One
Page 2

BACKGROUND:

On June 14, 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 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)

DOC # 2011-0331373
07/28/2011

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

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

[EXEMPT GC §§ 6103 and 27383]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-3828
[EXCESSIVE OUTSIDE STORAGE AND)
12 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
13 APN 321-171-040, 18663 IDALEONA RD.,) CONCLUSIONS AND ORDER TO
14 PERRIS, COUNTY OF RIVERSIDE, STATE OF) ABATE NUISANCE
CALIFORNIA; CHARLES C. ALLEN AND)
JONELLE ALLEN, OWNERS.) [R.C.O. Nos. 348 (RCC Title 17), 541
(RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on June 14, 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 18663 Idaleona Rd., Perris, Riverside County, California and further described as
21 Assessor's Parcel Number 321-170-040 and referred to hereinafter as "THE PROPERTY."

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

24 Mr. Charles Allen appeared on behalf of Owners.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
28

1 County Code Title 17) and 541 (Riverside County Code Title 8) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners of
4 THE PROPERTY as Charles C. Allen and Jonelle Allen, ("OWNERS").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE
6 PROPERTY to wit: State of California Franchise Tax Board ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 18, 2006,
8 March 22, 2007, November 12, 2009, January 11, 2011, February 23, 2011, March 28, 2011, June 1,
9 2011 and June 13, 2011.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: debris, crates, tarps, tires, bottles, canisters, engine blocks, buckets, appliances,
13 used lumber and construction type materials and miscellaneous stored and discarded items. The
14 officer visually estimated the amount of accumulated rubbish and excess outside storage of materials
15 was approximately four thousand two hundred seventy five (4, 275) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Title 17) and 541 (RCC Title 8) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on June 13, 2007, as Document Number
19 2007-0388993 in the Office of the County Recorder, County of Riverside.

20 7. On August 18, 2006, a Notice of Violation for violation of Riverside County
21 Ordinance Nos. 348 and 541 (excess outside storage and accumulated rubbish) were posted on THE
22 PROPERTY. On September 7, 2006, a Notice of Violation re excess outside storage and
23 accumulated rubbish was mailed to OWNERS. On January 10, 2011, a Notice of Violation re excess
24 outside storage was posted on THE PROPERTY. On January 13, 2011, a Notice of Violation re
25 excess outside storage was mailed to OWNERS.

26 8. On May 31, 2011, the "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for June 14, 2011, was mailed by certified mail, return receipt requested, to OWNERS and

1 INTERESTED PARTY and was posted on THE PROPERTY on June 1, 2011.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on June 14, 2011, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at 18663 Idaleona Rd., Perris, Riverside County, California, also identified
7 as Assessor's Parcel Number 321-170-040 violates Riverside County Ordinance Nos. 348 (RCC Title
8 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under Riverside County Ordinance
9 No. 348, the parcel (within a minimum of five acre in size) is allowed to have 200 square feet of
10 outside storage of materials to be stored on THE PROPERTY. Under Riverside County Ordinance
11 No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
13 the premises shall abate the condition by removal of all outside storage of materials and removing
14 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
16 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Charles C.
24 Allen, Jonelle Allen, or anyone having possession or control of THE PROPERTY, by removing all
25 of the outside storage of materials and removing and disposing of all accumulated rubbish from the
26 subject real property in strict accordance with all Riverside County Ordinances, including but not
27 limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety
28 (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the
4 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
5 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement
6 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
7 Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Title 1). Under
12 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
13 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
14 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
15 and the costs associated with the removal or correction of the violation." Reasonable abatement
16 costs accrued by the Code Enforcement Department will be recoverable from the property.

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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.

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4 Dated: July 26, 2011

COUNTY OF RIVERSIDE

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

9 ATTEST:
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11 By *Kalena Jutan*
12
13 Deputy
14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *L. ALEXANDRA FONG* DATE 6/30/11



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

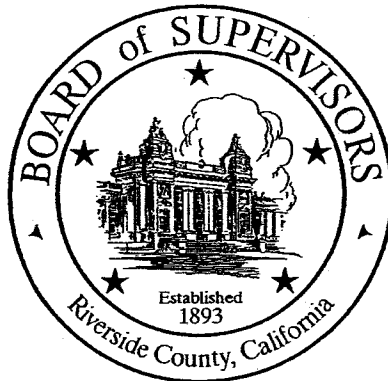
<http://riverside.asrclrec.com>

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:

7-26-11

Signature:

Karen Barton

Print Name:

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

NOTICE LIST

Subject Property: 18663 Idaleona Rd., Perris

Case No.: CV06-3828;

APN: 321-170-040; District One

CHARLES C ALLEN
JONELLE ALLEN
18663 IDALEONA RD
PERRIS CA 92570

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
PO BOX 2952
SACRAMENTO CA 95812-2952

L:\Code Enforcement\Abatements\2011\2006\CV 06-3828\Notice
List.DOC

7.26.11 2.10

PROOF OF SERVICE

Case No. CV06-3828

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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 August 18, 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)**

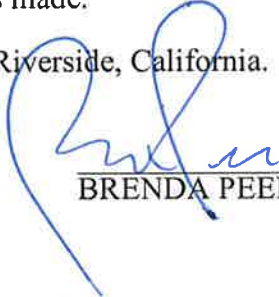
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 August 18, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 22, 2011

RE CASE NO: CV063828

I, Marco Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 08/22/2011 at 9:51am, I securely and conspicuously posted a FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

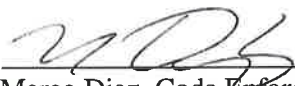
Property Address: 18663 IDALEONA RD, PERRIS

Assessor's Parcel Number: 321-170-040

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

Executed on August 22, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Marco Diaz, Code Enforcement Technician