

624B

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



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
August 4, 2011

**SUBJECT:** Order to Abate [Excess Outside Storage]  
Case No: CV 10-06569 [SNF PROPERTIES, LLC]  
Subject Property: 1 Parcel East of 52993 Manzanita, Idyllwild;  
APN: 560-031-012  
District: Three

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06569 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 10-06569; 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 10-06569.

Departmental Concurrence

(Continued)

L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione 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: August 16, 2011  
 xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
 Policy  
 Consent  
 Policy  
 Consent  
 Per Exec. Ofc.:

2.15

Abatement of Public Nuisance  
Case No.: CV10-06569 [SNF PROPERTIES, LLC]  
1 Parcel East of 52993 Manzanita, Idyllwild  
APN# 560-031-012  
District Three  
Page 2

**BACKGROUND:**

On June 28, 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 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:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

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

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]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NO. CV 10-06569
12	[EXCESSIVE OUTSIDE STORAGE]; APN 560-	)	
13	031-012, 1 PARCEL EAST OF 52993	)	FINDINGS OF FACT,
14	MANZANITA, IDYLLWILD, COUNTY OF	)	CONCLUSIONS AND ORDER TO
15	RIVERSIDE, STATE OF CALIFORNIA; SNF	)	ABATE NUISANCE
16	PROPERTIES, LLC., OWNER.	)	
17		)	[R.C.O. Nos.348 and 725
18		)	R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on June 28, 2011, before the Board of  
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County  
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as  
19 1 Parcel East of 52993 Manzanita, Idyllwild, Riverside County, APN: 560-031-012 and referred to  
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising Code  
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear and did not address the Board.

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

27 ///

**COPY**

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE  
3 PROPERTY as SNF Properties, LLC. ("OWNER").

4 2. Documents of title at the time of the inspection indicated that no other parties potentially  
5 hold a legal interest in THE PROPERTY.

6 3. THE PROPERTY has been inspected by Code Enforcement Officers on September 21,  
7 2010, December 8, 2010, January 12, 2011, March 9, 2011, June 17, 2011 and June 27, 2011.

8 4. During each inspection, excess outside storage of materials was observed on THE  
9 PROPERTY. The excess outside storage included but was not limited to: a 10' x 10' storage shed.

10 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.  
11 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

12 6. A Notice of Noncompliance was recorded on November 5, 2010, as Document Number  
13 2010-0534057 in the Office of the County Recorder, County of Riverside.

14 7. On September 21, 2010, a Notice of Violation was posted on THE PROPERTY. On  
15 September 22, 2010, October 29, 2010 and January 26, 2011, a Notice of Violation was mailed to the  
16 OWNER by certified mail, return receipt requested.

17 8. On June 8, 2011, a "Notice to Correct County Ordinance Violations and Abate Public  
18 Nuisance" providing notice of the public hearing before the Board of Supervisors on June 28, 2011, was  
19 mailed by US mail to the OWNER and posted on THE PROPERTY on June 17, 2011.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
22 regular session assembled on June 28, 2011, finds and concludes that:

23 1. WHEREAS, the excessive outside storage of materials on the real property located at 1  
24 Parcel East of Manzanita, Idyllwild, Riverside County, California, also identified as Assessor's Parcel  
25 Number 560-031-012 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

26 2. WHEREAS, the OWNER, occupants or any person having possession or control of the  
27 premises shall abate the condition by removing and disposing of the excess outside storage of materials  
28 from the subject real property in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this  
2 order.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY  
9 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and  
10 disposing of the outside excess storage of materials from the subject real property in strict accordance  
11 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348  
12 within ninety (90) days of the posting or mailing of this order.

13 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
14 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
15 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of  
16 materials may be abated by representatives of the Riverside County Code Enforcement Department, a  
17 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
18 necessary under applicable law.

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

10  
11  
12 Dated: August 16, 2011

COUNTY OF RIVERSIDE

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

16 ATTEST:

17  
18 KECIA HARPER-IHEM  
19 Clerk to the Board

20  
21  
22 By Kalumbigton  
23 Deputy  
24 (SEAL)

FORM APPROVED COUNTY COUNSEL  
25 BY Alexandra Fong 8/4/11  
26 ALEXANDRA FONG / DATE

27 G:\Litigation\Code Enforcement\Abatements\2011\2010\CV 10-06569\348 FOF.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:

8-16-11

Signature:

Karen Barton

Print Name:

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

## **NOTICE LIST**

Subject Property: 1 Parcel East of 52993 Manzanita, Idyllwild

Case No.: CV 10-06569;

APN: 560-031-012; District 3

SNF PROPERTIES LLC

PO BOX 1630

IDYLLWILD CA 92549

SNF PROPERTIES LLC

JIMMY HODGES

707 ESCONDIDO AVE NO 208

VISTA CA 92084



**PROOF OF SERVICE**

Case No. CV10-06569

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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 September 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)**

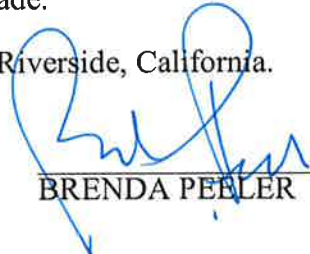
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary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

  
\_\_\_\_\_  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

October 21, 2011

RE CASE NO: CV1006569

I, Anita Bustillos, **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 10/21/2011 at 10:40 a.m., I securely and conspicuously posted Findings of Fact Conditions and Order to Abate Nuisance at the property described as:

**Property Address:** Parcel E/O 52963 Manzanita Dr., PINE COVE

**Assessor's Parcel Number:** 560-031-012

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

Executed on October 21, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Anita Bustillos, Code Enforcement Technician