

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

606 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 06-7331 [MARSHALL/TILLIS]
Subject Property: 20204 Lee Road, Perris; APN: 318-210-075
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-7331 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 06-7331; 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 06-7331.

(Continued)

PATRICIA MUNROE, 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:
Michael R. Shetler

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: November 1, 2011
xc: Co. Cl. (3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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

Prev. Agn. Ref.: 10/04/11; 9.2 | District: 1 | Agenda Number:

2.5

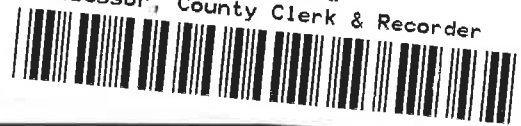
ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Order to Abate
Case No. CV06-7331 [MARSHALL/TILLIS]
20204 Lee Road, Perris
APN#318-210-075
District One
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BACKGROUND:

On October 4, 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)

4
5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-7331
 12 [EXCESSIVE OUTSIDE STORAGE AND)
 13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
 14 APN 318-210-075, 20204 LEE ROAD, PERRIS,) CONCLUSIONS AND ORDER TO
 15 RIVERSIDE COUNTY, CALIFORNIA; GARY) ABATE NUISANCE
 16 MARSHALL, THOMASINIA MARSHALL AND)
 17 NANCY TILLIS, OWNERS.) R.C.O. Nos. 348, 541 and 725

18 The above-captioned matter came on regularly for hearing on October 4, 2011, before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21 property described as 20204 Lee Road, Perris, Riverside County, California and further described as
22 Assessor's Parcel Number 318-210-075 and referred to hereinafter as "THE PROPERTY."

23 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owners did not appear.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Gary Marshall, Thomasinia Marshall and Nancy Tillis, (“OWNERS”).

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY. OWNERS are represented by attorney Kary Marshall (hereinafter referred to as
6 “INTERESTED PARTY”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 19, 2011,
8 May 31, 2011, June 7, 2011 and August 30, 2011.

9 4. During each inspection, the outside storage of materials and accumulation of rubbish
10 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
11 were not limited to: wood, construction debris, auto parts, plastic crates, buckets, paint cans, a
12 fiberglass spa, scrap metal, lumber, tools, ladders, windows, fencing and chairs. Given the size of
13 the parcel (1.4 acres) and the zoning classification (A-1-1, Light Agriculture with at least one acre),
14 two hundred (200) square feet of outside storage is allowed and no rubbish is allowed on THE
15 PROPERTY.

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

18 6. A Notice of Noncompliance was recorded on June 10, 2011 as Document Number
19 2011-0206202 in the Office of the County Recorder, County of Riverside.

20 7. On April 19, 2011, Notices of Violation for violation of Riverside County Ordinance
21 Nos. 348 and 541 were posted on THE PROPERTY. On April 20, 2011, Notice of Violations was
22 mailed to OWNERS and INTERESTED PARTY.

23 8. On August 29, 2011, the “Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
25 for October 4, 2011, was mailed to OWNERS and INTERESTED PARTY and was posted on THE
26 PROPERTY on August 30, 2011.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

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11/02/2011 03:32P
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1 regular session assembled on October 4, 2011 finds and concludes that:

2 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
3 the real property located at 20204 Lee Road, Perris, Riverside County, California, also identified as
4 Assessor's Parcel Number 318-210-075 violates Riverside County Ordinance Nos. 348 and 541 and
5 constitutes a public nuisance. Under Riverside County Ordinance No. 348, two hundred (200)
6 square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under
7 Riverside County Ordinance No. 541, no rubbish is allowed to be accumulated on THE PROPERTY.

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

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the excess outside storage of materials and
19 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Gary
20 Marshall, Thomasinia Marshall and Nancy Tillis, or anyone having possession or control of THE
21 PROPERTY, by removing all of the outside storage of materials in excess of two hundred (200)
22 square feet and removing and disposing of all accumulated rubbish from the subject real property in
23 strict accordance with all Riverside County Ordinances, including but not limited to Riverside
24 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate
25 Nuisance.

26 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
27 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
28 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate

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1 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate
2 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and
3 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor
4 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary
5 under applicable law.

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

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: November 1, 2011

COUNTY OF RIVERSIDE

By Bob Buster
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Bygator
Deputy
(SEAL)





**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)



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Date: 11-1-11

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board

NOTICE LIST

Subject Property: 20204 Lee Road Case No.: CV06-7331;
APN: 318-210-075; District 1

GARY MARSHALL
THOMASINIA MARSHALL
NANCY TILLIS
20204 LEE ROAD
PERRIS CA 92570

KARY MARSHALL ESQUIRE
PO BOX 426487
SAN FRANCISCO CA 94142

G:\Litigation\Code Enforcement\Abatements\2011\2006\CV06-7331\Notice List.doc

PROOF OF SERVICE

Case No. CV06-7331

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 November 23, 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)**

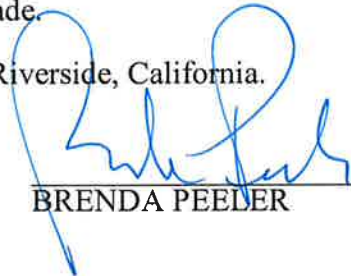
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 November 23, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 29, 2011

RE CASE NO: CV067331

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 11/29/2011 at 1:28pm, I securely and conspicuously posted a FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

Property Address: 20204 LEE RD, PERRIS

Assessor's Parcel Number: 318-210-075

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

Executed on November 29, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT



By: Marco Diaz, Code Enforcement Technician