

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

607B



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


**SUBMITTAL DATE:**  
October 10 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 10-01907 [GERBL]  
Subject Property: 55490 Pine Tree Lane, Anza; APN: 573-080-070  
District: Three

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01907 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 10-01907; 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 10-01907.

(Continued)

  
PATRICIA MUNROE, 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:   
Michael R. Shetler

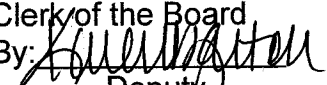
**County Executive Office Signature**

- 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.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Dept Recomm.:  
Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
Departmental Concurrence

Order to Abate  
Case No. CV10-01907 [GERBL]  
55490 Pine Tree Lane, Anza  
APN#573-080-070  
District Three  
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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]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE: )	CASE NO. CV 10-01907
12 [EXCESSIVE OUTSIDE STORAGE AND )	
13 ACCUMULATION OF RUBBISH]; )	FINDINGS OF FACT,
14 APN 573-080-070, 55490 PINE TREE LANE, )	CONCLUSIONS AND ORDER TO
15 ANZA, RIVERSIDE COUNTY, CALIFORNIA; )	ABATE NUISANCE
16 JACKSON WILLIS GERBL AND TAMBIA RAE )	
17 GERBL, 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 55490 Pine Tree Lane, Anza, Riverside County, California and further  
22 described as Assessor's Parcel Number 573-080-070 and referred to hereinafter as "THE  
23 PROPERTY."

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

26 Owner appeared but did not address the Board of Supervisors.

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

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners  
4 of THE PROPERTY as Jackson Willis Gerbl and Tambia Rae Gerbl, ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
6 PROPERTY, to wit: State of California Franchise Tax Board, Lewis Gerbl and Margaret Gerbl  
7 (collectively referred to as "INTERESTED PARTIES"). THE PROPERTY is occupied by Michael  
8 Polson (hereinafter referred to as "TENANT").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 9, 2010,  
10 April 13, 2010, June 10, 2010, October 28, 2010, December 1, 2010, January 10, 2011 and  
11 September 16, 2011.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish  
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
14 were not limited to: cardboard, paint buckets, wood, metal, tires, tools, pipes, trash, plastic, auto  
15 parts, appliances, barrels, carpet, sheet metal, fencing material, furniture and other miscellaneous  
16 items and debris. The amount of outside storage and rubbish was approximately thirty thousand  
17 (30,000) square feet. Given the size of the parcel (22.33 acres) and the zoning classification (R-R,  
18 Rural Residential), two hundred (200) square feet of outside storage is allowed and no rubbish is  
19 allowed on THE PROPERTY.

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

22 6. A Notice of Noncompliance was recorded on March 18, 2010 as Document Number  
23 2010-0125628 in the Office of the County Recorder, County of Riverside.

24 7. On March 9, 2010, Notices of Violation for violation of Riverside County Ordinance  
25 Nos. 348 and 541 were posted on THE PROPERTY. On March 10, 2010, Notice of Violations was  
26 mailed to OWNERS and TENANT and on May 6, 2010 was mailed to OWNERS and  
27 INTERESTED PARTIES.

28 8. On September 15, 2011, the "Notice to Correct County Ordinance Violations and

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1 Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors  
2 scheduled for October 4, 2011, was mailed to OWNERS, TENANT and INTERESTED PARTIES  
3 and was posted on THE PROPERTY on September 16, 2011.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
6 regular session assembled on October 4, 2011 finds and concludes that:

7 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
8 the real property located at 55490 Pine Tree Lane, Anza, Riverside County, California, also  
9 identified as Assessor's Parcel Number 573-080-070 violates Riverside County Ordinance Nos. 348  
10 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, two hundred  
11 (200) square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under  
12 Riverside County Ordinance No. 541, no rubbish is allowed to be accumulated on THE PROPERTY.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
24 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Jackson  
25 Willis Gerbl and Tambia Rae Gerbl, or anyone having possession or control of THE PROPERTY, by  
26 removing all of the outside storage of materials in excess of two hundred (200) square feet and  
27 removing and disposing of all accumulated rubbish from the subject real property in strict  
28 accordance with all Riverside County Ordinances, including but not limited to Riverside County

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1 Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

4 Dated: November 1, 2011

COUNTY OF RIVERSIDE

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

7 ATTEST:  
8  
9 KECIA HARPER-IHEM  
10 Clerk to the Board

11 By Karen P. Guter  
12 Deputy

13 (SEAL)



28



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

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

<http://riverside.asrcikrec.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:

11-1-11

Signature:

*Karen Barton*

Print Name:

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





# NOTICE LIST

Subject Property: 55490 Pine Tree Lane, Anza  
Case No.: CV 10-01907 APN: 573-080-070; District 3

JACKSON WILLIS GERBL  
TAMBIA RAE GERBL  
1170 N RAMONA BLVD  
SAN JACINTO CA 92582

LEWIS L GERBL  
MARGARET GERBL  
5445 SOUTH MAIN ST  
LOS ANGELES CA 90001

LEWIS L GERBL  
MARGARET GERBL  
C/O JACKSON WILLIS GERBL  
1170 N RAMONA BLVD  
SAN JACINTO CA 92582

TENANT/OCCUPANT  
55490 PINE TREE LANE  
ANZA CA 92539

STATE OF CALIFORNIA  
FRANCHISE TAX BOARD  
SACRAMENTO CA 95812-2952

**PROOF OF SERVICE**

Case No. CV10-01907

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: CV1001907

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 11/29/2011 at 11:55am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

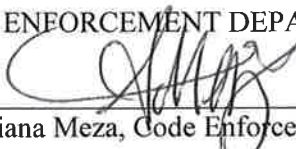
**Property Address:** 55490 PINE TREE LN, ANZA

**Assessor's Parcel Number:** 573-080-070

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: Ariana Meza, Code Enforcement Technician