

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

101B



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

**SUBMITTAL DATE:**  
January 6, 2014

**SUBJECT:** Order to Abate [Accumulated Rubbish]; Case No. CV12-05142 [MORGAN PROPERTIES]  
Subject Property: Vacant Lot on Davis Street, Lake Elsinore; APN: 386-160-004  
District: 1/1 [\$0.00]

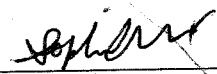
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05142;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05142; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05142.

**BACKGROUND:**

**Summary**

On December 3, 2013, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the 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.

  
SOPHIA CHOI  
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

**SOURCE OF FUNDS:**

Budget Adjustment:

For Fiscal Year:

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

APPROVE

BY

Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley

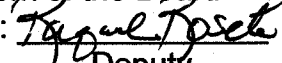
Nays: None

Absent: None

Date: January 28, 2014

xc: [unclear] Co. Co. Recorder

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

Prev. Agn. Ref.: 12/03/13; 9.1

District: 1/1

Agenda Number:

2-7

Departmental Concurrence

☐ Positions Added

☐ Change Order

☐ A-30

☐ 4/5 Vote

COPY

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01/29/2014

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The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

Larry W Ward

County of Riverside  
Assessor, County Clerk & Recorder

1 RECORDING REQUESTED BY:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

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

[EXEMPT GC §§ 6103 and 27383]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-05142  
14 [ACCUMULATION OF RUBBISH]; )  
15 APN 386-160-004, VACANT LOT ON DAVIS ) FINDINGS OF FACT,  
16 STREET, LAKE ELSINORE, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
17 COUNTY, CALIFORNIA; MORGAN ) ABATE NUISANCE  
18 PROPERTIES, L.P., OWNER. )  
19 ) R.C.O. Nos. 541 and 725  
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28 )

29 The above-captioned matter came on regularly for hearing on December 3, 2013, before the  
30 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
31 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
32 property described as Vacant Lot on Davis Street, Lake Elsinore, Riverside County, and further  
33 described as Assessor's Parcel Number 386-160-004 referred to hereinafter as "THE PROPERTY."

34 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code  
35 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

36 Owner did not appear.

37 The Board of Supervisors received the Declaration of Code Enforcement Officer together  
38 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public  
39 nuisance and violation of Riverside County Ordinance No. 541.

40 ///

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that no other parties potentially hold a legal interest in  
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on October 4, 2012,  
7 June 19, 2013, October 22, 2013 and December 2, 2013.

8 4. During each inspection, an accumulation of rubbish was observed on THE  
9 PROPERTY. The rubbish consisted of, but was not limited to: household trash, discarded furniture,  
10 and other miscellaneous items measuring approximately one hundred sixty thousand (160,000)  
11 square feet.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
13 No. 541 by the Code Enforcement Officer.

14 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of  
15 the County Recorder, County of Riverside, State of California on October 16, 2012, as instrument  
16 number 2012-0492186.

17 7. On October 4, 2012, a Notice of Violation was posted on THE PROPERTY. On  
18 October 5, 2012, a Notice of Violation was mailed to OWNER by first class mail.

19 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
20 providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was  
21 mailed to OWNER and was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
24 regular session assembled on December 3, 2013, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at Vacant Lot  
26 on Davis Street, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel  
27 Number 386-160-004 violates Riverside County Ordinance No. 541 and constitutes a public  
28 nuisance.



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.

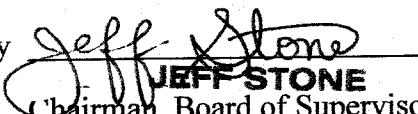
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4 Dated: JAN 28 2014

COUNTY OF RIVERSIDE

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By   
**JEFF STONE**  
Chairman, Board of Supervisors

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ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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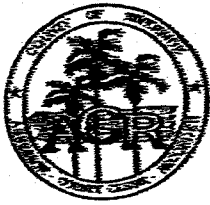
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G:\Litigation\Code Enforcement\Findings of Facts\2013\12-05142\541 FOF.DOC

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

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

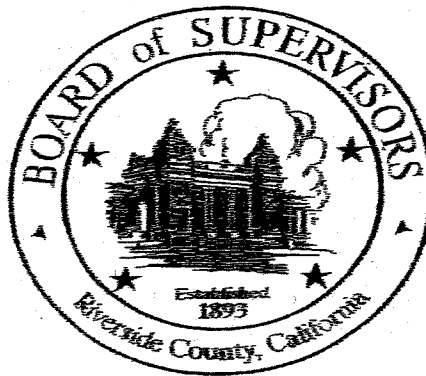
<http://riverside-assessor.com>

**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:

1/28/14

Signature:

Raquel Rosete

Print Name:

Raquel Rosete, Board Assistant, Riverside County Clerk of the Board

**PROOF OF SERVICE**

Case No. CV12-05142

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501.

That on February 28, 2014, 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 February 28, 2014, at Riverside, California.

  
STACY BAUMGARTNER

## **NOTICE LIST**

Subject Property: Vacant lot on Davis Street, Lake Elsinore;

Case No.: CV12-05142

APN: 386-160-004; District 1/1 MORGAN

**MORGAN PROPERTIES, L.P.  
7004 BOULEVARD E NO 36E  
GUTTENBERG, NJ 07093**

**EARP COHN P.C. ATTORNEYS AT LAW  
THOMAS EARP  
20 BRACE RD, 4<sup>TH</sup> FLOOR  
CHERRY HILL, NJ 08034**





## CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

### AFFIDAVIT OF POSTING OF NOTICES

March 5, 2014

RE CASE NO: CV1205142

I, Patricia (Tricia) Silva, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:  
227 North D Street Suite B  
Perris, California 92570  
Mail Stop#5004.

That on 03/05/14 at 9:35 am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, Notice List, Proof of Service at the property described as:

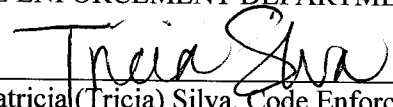
**Property Address:** DAVIS ST N/O AKLEY ST, LAKE ELSINORE

**Assessor's Parcel Number:** 386-160-004

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

Executed on March 5, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Patricia (Tricia) Silva, Code Enforcement Technician