

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

614B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-03447 [JOHNSON]
Subject Property: 43355 Beverlee Circle, Hemet; APN: 549-222-015
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447.

BACKGROUND:

Summary

On April 22, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative (Continued)

L. ALEXANDRA FONG
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 Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, and Ashley
Nays: None
Absent: Tavaglione and Benoit
Date: June 3, 2014
xc: TLMA-Code Enforcement., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

2-13

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]**

Case No. CV13-03447 [JOHNSON]

Subject Property: 43355 Beverlee Circle, Hemet; APN: 549-222-015

District: 3/3 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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

DOC # 2014-0204687
06/04/2014

Customer Copy Label
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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-03447
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 549-222-015, 43355 BEVERLEE CIRCLE,) CONCLUSIONS AND ORDER TO
15 HEMET; RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
16 PHILLIP T. JOHNSON, MARY V. JOHNSON,)
AND KEVIN PHILLIP JOHNSON, OWNERS.) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on April 22, 2014, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 43355 Beverlee Circle, Hemet, Riverside County, Assessor's Parcel Number 549-
21 222-015 and referred to hereinafter as "THE PROPERTY."

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

24 The new property owner appeared at the hearing, but did not address the Board of
25 Supervisors.

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

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 Phillip T. Johnson, Mary V. Johnson, and Kevin Phillip Johnson
5 ("OWNERS").

6 2. Documents of title indicate that other parties may potentially hold a legal interest in
7 THE PROPERTY, to wit: American General Financial Services, Inc., Phillip T. Johnson and Mary
8 V. Johnson, Trustees of the Phillip T. Johnson and Mary V. Johnson Living Trust dated June 27,
9 2013, State of California Franchise Tax Board, and Internal Revenue Service.

10 3. THE PROPERTY was inspected by Code Enforcement Officers on October 8, 2013,
11 October 24, 2013, December 26, 2013, March 7, 2014, and April 21, 2014.

12 4. During each inspection an accumulation of rubbish and excess outside storage was
13 observed throughout THE PROPERTY consisting of but not limited to: ladders, discarded furniture,
14 bicycles, Christmas tree stand, plastic storage tubs, plastic crates, scrap metal, scrap wood, metal,
15 burnt books, magazines, wood, quad, outdoor fire pit, lawn chairs, dog crates, vehicle parts,
16 mattresses, chairs, bed frame, sliding closet doors, sewage pipe, yard tools, plastic 5 gallon buckets,
17 couch, cabinets, bedding, clothes, appliances, dresser, exercise equipment, picture frames, ice chest,
18 gardening items, laundry baskets, cans of paint and oil, miscellaneous chemicals, used tires, wagon,
19 portable closets, storage sheds, refrigerators, baby seats, floor lights, shopping baskets, boogey board,
20 wood laminate flooring; electrical cords, clay pigeons, tool chest, tools, tables, air compressor,
21 hunting decoys and miscellaneous items in excess of 1,725 square feet.

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

24 6. On November 5, 2013 and January 8, 2014, Notices of Pendency of Administrative
25 Proceedings were recorded at the Riverside County Recorder's Office as instrument numbers 2013-
26 524710 and 2014-0008374.

27 7. On October 8, 2013, a Notice of Violation was posted on THE PROPERTY. On
28 October 9, 2013, a Notice of Violation was mailed to OWNERS by certified mail with return receipt

1 requested and on October 10, 2013, a Notice of Violation was mailed by first class mail to
2 OWNERS. On December 26, 2013, a Notice of Violation was mailed to INTERESTED PARTIES
3 by first class mail.

4 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
5 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
6 INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on April 22, 2014, finds and concludes that:

10 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
11 on the real property located at 43355 Beverlee Circle, Hemet, Riverside County, California, also
12 identified as Assessor's Parcel Number 549-222-015 violates Riverside County Ordinance Nos. 348
13 and 541 and constitutes a public nuisance.

14 2. WHEREAS, the OWNERS occupants and any other person having possession or
15 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
16 materials by removing and disposing of all rubbish and excessive outside storage on THE
17 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
18 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
26 on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE
27 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
28 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
2 mailing of this Order to Abate Nuisance.

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

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

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1 Department will be recoverable from OWNERS 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: June 3, 2014

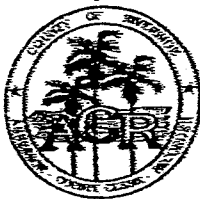
COUNTY OF RIVERSIDE

By Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By [Signature]
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] L. ALEXANDRA FONG
DATE: 5/16/14



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

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

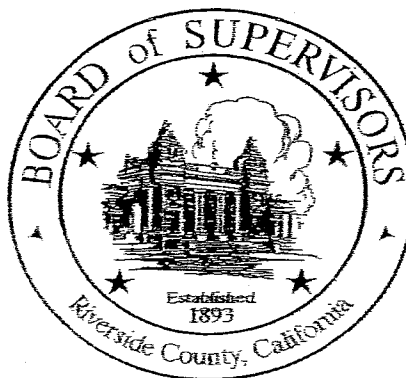
<http://riverside.asrcclerk.com>

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:

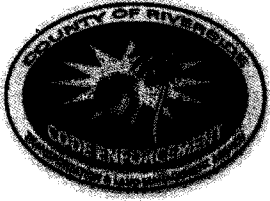
6-3-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

June 18, 2014

RE CASE NO: CV1303447

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
37600 Sky Canyon Drive, Suite G
Murrieta, California 92563
Mail Stop #5155.

That on 06/18/2014 at 10:50 a.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Excessive Outside Storage and Accumulation of Rubbish); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification, Notice List and Proof of Service at the property described as:

Property Address: 43355 BEVERLEE CIR, HEMET

Assessor's Parcel Number: 549-222-015

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

Executed on June 18, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician

Johnson

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PROOF OF SERVICE
Case No. CV13-03447 JOHNSON

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, 12th Floor, Riverside, California 92501.

That on June 20, 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 June 20, 2014, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: 43355 Beverlee Circle, Hemet;
Case No.: CV13-03447 - Johnson
APN: 549-222-015; District 3/3

KEVIN PHILLIP JOHNSON
43355 BEVERLEE CIRCLE
HEMET, CA 92544

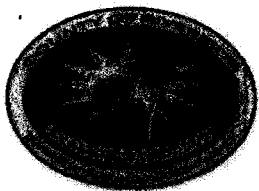
PHILLIP T. JOHNSON
MARY V. JOHNSON
43355 BEVERLEE CIRCLE
HEMET, CA 92544

PHILLIP T. JOHNSON
MARY V. JOHNSON
49754 5TH AVE.
ORLAND, CA 95963

AMERICAN GENERAL FINANCIAL
SERVICES INC.
VILLAGE WEST CENTER
3131 W. FLORIDA AVE., STE. A4
HEMET, CA 92545

THE STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
P.O. BOX 2952
SACRAMENTO, CA 95812

THE INTERNAL REVENUE SERVICE
P.O. BOX 145585
STOP 8420G
CINCINNATI, OH 45250



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

AFFIDAVIT OF POSTING OF NOTICES

June 18, 2014

RE CASE NO: CV1303447

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
37600 Sky Canyon Drive, Suite G
Murrieta, California 92563
Mail Stop #5155.

That on 06/18/2014 at 10:50 a.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Excessive Outside Storage and Accumulation of Rubbish); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification, Notice List and Proof of Service at the property described as:

Property Address: 43355 BEVERLEE CIR, HEMET

Assessor's Parcel Number: 549-222-015

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

Executed on June 18, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

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PROOF OF SERVICE
Case No. CV13-03447 JOHNSON

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, 12th Floor, Riverside, California 92501.

That on June 20, 2014, I served the following document(s):

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by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

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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 June 20, 2014, at Riverside, California.



STACY BAMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 43355 Beverlee Circle, Hemet;
Case No.: CV13-03447 - Johnson
APN: 549-222-015; District 3/3

KEVIN PHILLIP JOHNSON
43355 BEVERLEE CIRCLE
HEMET, CA 92544

PHILLIP T. JOHNSON
MARY V. JOHSON
43355 BEVERLEE CIRCLE
HEMET, CA 92544

PHILLIP T. JOHNSON
MARY V. JOHNSON
49754 5TH AVE.
ORLAND, CA 95963

AMERICAN GENERAL FINANCIAL
SERVICES INC.
VILLAGE WEST CENTER
3131 W. FLORIDA AVE., STE. A4
HEMET, CA 92545

THE STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
P.O. BOX 2952
SACRAMENTO, CA 95812

THE INTERNAL REVENUE SERVICE
P.O. BOX 145585
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