

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



203 B

FROM: County Counsel/TLMA
Department of Building & Safety

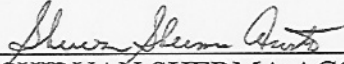
SUBMITTAL DATE: March 4, 2003

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage];
B&S Case No.: CV 02-3783
Subject Property: 36520 Benton Road E., Temecula; APN: 915-370-012
District Three

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials on the real property located at 36520 Benton Road E., Temecula, Riverside County, California, APN: 915-370-012 be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (RCC Title 17).
2. Charles E. Hartlerode, the owner of the subject real property, be directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.
3. If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Department of Building & Safety, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing the same from the real property.

(Continued)

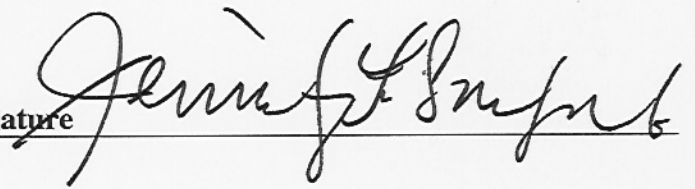


SHIRVAN SHERMA ACOSTA,
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature



Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist. 3

AGENDA NO.

9.6

4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725 (RCC Title 1).
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials on the real property is declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare and Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on October 1, 2002.
2. The inspection revealed the excess outside storage of materials or junkyard on the subject property in violation of Riverside County Ordinance No. 348 (RCC Title 17). The items included but were not limited to: wood pallets, plastic tarps, metal stakes, tires, bunk bed assembly, pipes, miscellaneous parts for walk-in refrigerators including boxes and coils, concrete blocks, three 400 gallon water tanks, extensive amount of military equipment such as tractors, dozers, fuel jacket tanks, about 200 metal military boxes full of new military clothing, boots and tools. On November 21, 2002, the outside storage measured forty thousand four hundred thirty-six (40,436) square feet.
3. Subsequent re-inspections of the above-described real property on January 8, and February 26, 2003, revealed that the property continued to be in violation of Riverside County Ordinance No. 348 (RCC Title 17).
4. Staff of the Department of Building and Safety have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for the removal of excess outside storage.