

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

9098



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 16, 2006

SUBJECT: Order to Abate [Excess outside storage]
Case No.: CV05-3262
Subject Property: 43481 Dessie Way, Hemet; APN: 549-223-016
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV05-3262 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. CV05-3262; 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. CV05-3262.

BACKGROUND:

On October 3, 2006, 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 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 the Findings of Fact, Conclusion and Order to Abate.

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, 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**

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: | **District:** 3 | **Agenda Number:**

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as David McClure and Constance McClure ("OWNERS").

2. Documents of title at the time of the inspection indicated that other parties potentially hold a legal interest in THE PROPERTY, to wit: Chase Manhattan Bank U.S.A. and Lake Hemet Municipal Water District ("INTERESTED PARTIES").

3. THE PROPERTY has been inspected by Code Enforcement Officers on July 26, 2005, October 4, 2005, November 8, 2005, December 13, 2005, January 25, 2006, February 28, 2006, April 19, 2006, June 1, 2006 and August 9, 2006.

4. During each inspection, the outside storage of materials in excess of 200 square feet was observed on THE PROPERTY. The materials included but were not limited to: furniture, shelves, motorcycle parts, wood, boxes, bike parts, tools, equipment, lumber, plastic, barrels, paper, tarps, crates and other miscellaneous items. The total area of excess outside storage of materials was approximately one thousand four hundred (1,400) square feet.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 348 (Riverside County Code Title 17) by the Code Enforcement Officer. Under RCO No. 348, no outside storage of materials is allowed on the subject property since it is in the R-T zoning classification.

6. A Notice of Noncompliance was recorded on April 27, 2006 as Document Number 2006-0306484 in the Office of the County Recorder, County of Riverside.

7. On July 26, 2005, a Notice of Violation was posted on THE PROPERTY. On August 9, 2005, a notice was mailed to the OWNERS by certified mail, return receipt requested and on March 14, 2006 a notice was mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

8. On August 8, 2006, a "Notice To Abate Nuisance" providing notice of the public hearing before the Board of Supervisors on October 3, 2006 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES, and posted on THE PROPERTY on August 9, 2006.

FINDINGS AND CONCLUSIONS

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

1 regular session assembled on October 3, 2006, finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials on the real property located at
3 43481 Dessie Way, Hemet, Riverside County, California, also identified as Assessor's Parcel Number
4 549-223-016 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

5 2. WHEREAS, THE OWNERS, occupants or any person having possession or control of the
6 premises should abate the condition by removing and disposing of the excess outside storage of materials
7 from the subject real property in strict accordance with all Riverside County Ordinances, including but not
8 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
9 order.

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

14 **ORDER TO ABATE NUISANCE**

15 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
16 be abated by OWNERS or anyone having possession or control of THE PROPERTY, by removing and
17 disposing of all outside storage of materials from the subject real property in strict accordance with all
18 Riverside County Ordinances, including but not limited to Riverside County Ordinance No: 348 within
19 ninety (90) days of the posting or mailing of this Order.

20 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
21 accordance with all Riverside County Ordinances, including but not limited to Riverside County
22 Ordinance No. 348, within ninety (90) days of the date of this Order, the outside storage of materials shall
23 be abated by representatives of the Riverside County Code Enforcement Department, a contractor or the
24 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
25 applicable law.

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2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for
3 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment
4 against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance
5 Nos. 348 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
6 expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances,
7 and shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
8 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
9 abatement costs accrued by the Department will be recoverable from the property owner(s) even if the
10 property is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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13 Dated: _____

COUNTY OF RIVERSIDE

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By _____

Bob Buster
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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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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