

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

221B



SUBMITTAL DATE:
October 30, 2006

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess outside storage and accumulated rubbish]
Case No.: CV 05-1426
Subject Property: 18040 Carroll Street, Perris
APN: 315-141-001
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-1426 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 05-1426; 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 05-1426.

BACKGROUND:

On October 24, 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 and accumulated rubbish 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

Consent
 Policy

 Consent
 Policy

 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 1

Agenda Number:

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 05-1426
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 315-141-)	FINDINGS OF FACT,
001, 18040 CARROLL STREET, PERRIS,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; DAYTON)	ABATE NUISANCE
FINANCIAL CORPORATION, OWNER.)	
)	[R.C.O. Nos. 348 (RCC Title 17), 541
)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 24, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described 18040 Carroll Street, Perris, Assessor's Parcel Number 315-141-001 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Code Enforcement Department ("Department").

No one appeared on behalf of the property owner at the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Title 17) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Dayton Financial Corporation. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Clave Goodhope, Thomas B. Goodhope and Lucille C. Goodhope, David M.
6 Wood and Mary A. Wood, Pensco Pension Services, Inc., Pacific Island Developers, Inc., and First
7 Broker Service Corp. ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 28, 2005,
9 June 12, 2006, July 14, 2006, September 20, 2006, and October 23, 2006.

10 4. During each inspection, outside storage of materials in excess of 200 square feet and
11 accumulation of rubbish were observed on THE PROPERTY. The materials included but were not
12 limited to: plastics, discarded equipment, furniture, appliances, wood, tree trimmings, paper, tires,
13 plastic containers, tarp, crates, containers, trash and miscellaneous items. The amount of excess
14 outside storage of materials and accumulation of rubbish measured approximately two thousand
15 (2,000) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on August 24, 2006 as Document Number
19 2006-0624931 in the Office of the County Recorder, County of Riverside.

20 7. On June 28, 2005, Notices of Violation for violation of RCO Nos. 348 and 541 were
21 posted on THE PROPERTY. On February 22, 2006, Notices of Violation were mailed to OWNER
22 and INTERESTED PARTIES by certified mail, return receipt requested.

23 8. On August 30, 2006, a "Notice To Abate Nuisance" providing notice of the public
24 hearing before the Board of Supervisors on October 24, 2006 was mailed by certified mail, return
25 receipt requested, to the OWNER and INTERESTED PARTIES and was posted on THE
26 PROPERTY on September 20, 2006.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on October 24, 2006 finds and concludes that:

4 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the
5 real property located at 18040 Carroll Street, Perris, Riverside County, California, also identified as
6 Assessor's Parcel Number 315-141-001 violates Riverside County Ordinance Nos. 348 (RCC
7 Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

8 2. WHEREAS, THE OWNER, occupants or any person having possession or control of the
9 premises should abate the condition by removing and disposing of the excess outside storage of
10 materials and accumulation of rubbish from the subject real property in strict accordance with all
11 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
12 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the excess outside storage of materials and
20 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Dayton
21 Financial Corporation or anyone having possession or control of THE PROPERTY, by removing and
22 disposing of the outside excess storage of materials and accumulation of rubbish from the subject
23 real property in strict accordance with all Riverside County Ordinances, including but not limited to
24 Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within
25 ninety (90) days of the date of this order.

26 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
27 accordance with all Riverside County Ordinances, including but not limited to Riverside County
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1 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of
2 the date of this Order, the excess outside storage of materials and accumulation of rubbish shall be
3 abated by representatives of the Riverside County Code Enforcement Department, a contractor or the
4 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
5 applicable law.

6 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
7 for hearing, shall be imposed as a lien on the property, which may be collected as a special
8 assessment against the property pursuant to Government Code section 25845 and Riverside County
9 Ordinance Nos. 348 (RCC Chapter 17.16), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).
10 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
11 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
12 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
13 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
14 abatement costs accrued by the Department will be recoverable from the property owner(s) even if
15 the property is brought into compliance within ninety (90) days of the date of this Order to Abate
16 Nuisance.

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18 Dated: _____

COUNTY OF RIVERSIDE

20 By _____
21 Bob Buster
22 Chairman, Board of Supervisors

23 ATTEST:
24 NANCY ROMERO
25 Clerk to the Board

26
27 By
28 Deputy