

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulated Rubbish]
Case No.: CV 05-4046
Subject Property: 5135 Beach Street, Riverside
APN: 167-171-006
District Two

SUBMITTAL DATE:
January 03, 2007

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-4046 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 05-4046; 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 05-4046.

BACKGROUND:

On November 21, 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 accumulation of 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.

[Handwritten Signature]

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

[Handwritten Signature]

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

5001 7AM -3 6M 1: 50

RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: _____ District: 2 Agenda Number: _____

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1 Chapter 17.120) and 541 (Riverside County Code Chapter 8.120), respectively, and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner
5 of THE PROPERTY as Rena Belle Sawatsky. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to-wit: First Mortgage Corporation, Albert Holloway, Lula Mae Dozier and the State
8 of California Franchise Tax Board ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 24, 2005.
10 February 2, 2006, June 13, 2006, September 6, 2006 and October 17, 2006.

11 4. During each inspection, outside storage of materials in excess of 200 square feet and
12 accumulation of rubbish were observed on THE PROPERTY. The items of accumulated rubbish
13 included but were not limited to: bicycles, woodpiles, dressers, doors, pipes, and other debris. The
14 items of excess outside storage included but were not limited to: bathtubs, refrigerators, sinks,
15 mattresses, and other household items. At the time of the initial inspection, a fire damaged dwelling
16 was also on the property but it has since been removed. On June 13, 2006, the amount of outside
17 storage and accumulated rubbish was determined to be approximately thirteen thousand three
18 hundred seventy (13,370) square feet.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on June 23, 2006 as Document Number
22 2006-0454246 in the Office of the County Recorder, County of Riverside.

23 7. On October 24, 2005, a Notice of Violation for violation of RCO Nos. 457
24 (substandard structure) and 541 was posted on THE PROPERTY. On December 28, 2005, a Notice
25 of Violation for violation of RCO No. 541 was mailed to the OWNER by certified mail, return
26 receipt requested. On February 1, 2006, Notices of Violation for RCO Nos. 348 and 457 were
27 mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested. On
28 August 9, 2006, a Notice of Violation for RCO No. 541 was mailed to OWNER and INTERESTED

1 PARTIES by certified mail, return receipt requested.

2 8. On October 17, 2006, a "Notice To Abate Nuisance" providing notice of the public
3 hearing before the Board of Supervisors on November 21, 2006 was mailed by certified mail, return
4 receipt requested, to THE OWNER and INTERESTED PARTIES and was posted on THE
5 PROPERTY on October 17, 2006.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on November 21, 2006 finds and concludes that:

9 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
10 on the real property located at 5135 Beach Street, Riverside, Riverside County, California, also
11 identified as Assessor's Parcel Number 167-171-006 violates Riverside County Ordinance Nos. 348
12 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
14 the premises should abate the condition by removing and disposing of the outside storage of
15 materials and accumulation of rubbish from the subject real property in strict accordance with all
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
17 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days. Given the size of the
18 parcel and the fact that it currently unimproved, no outside storage of materials is allowed on THE
19 PROPERTY.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the excess outside storage of materials and
27 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Rena Belle
28 Sawatsky or anyone having possession or control of THE PROPERTY, by removing and disposing

1 of the outside excess storage of materials and accumulation of rubbish from the subject real property
2 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)
4 days of the date of this order.

5 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County
7 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of
8 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
9 rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a
10 contractor, or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
11 necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on the property, which may be collected as a special
14 assessment against the property pursuant to Government Code section 25845 and Riverside County
15 Ordinance Nos. 348 (RCC Chapter 17.120), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).
16 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Department will be recoverable from the property owner(s) even if

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1 the property is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

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4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
7 John Tavaglione
8 Chairman, Board of Supervisors

9 ATTEST:
10 NANCY ROMERO
11 Clerk to the Board

12 By
13 Deputy
14 (SEAL)

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