

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

807B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 19, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-0673 and CV06-2867; KOSKA
Subject Property: 14786 Laurel Road, Riverside, APN: 271-050-011
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-0673 AND CV06-2867 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 06-0673 AND CV06-2867; 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 06-0673 and CV06-2867.

[Handwritten Signature]

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

(Continued)

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]

- Consent
- Policy
- Per Exec. Ofc.:
- Dept's Recomm.:

Prev. Agn. Ref.:

District: 1

Agenda Number:

2.10

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-0673 AND CV06-2867
Subject Property: 14786 Laurel Road, Riverside
APN: 271-050-011
District One

BACKGROUND:

On March 13, 1007 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 of materials 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.

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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:) [EXCESSIVE OUTSIDE STORAGE AND) ACCUMULATION OF RUBBISH]; APN 271-050-) 011, 14786 LAUREL ROAD, RIVERSIDE,) RIVERSIDE COUNTY, CALIFORNIA;) DARRELL E. KOSKA AND DEANNA S.) KOSKA, OWNERS.)	CASE NO. CV 06-0673 AND CV06-) 2867) FINDINGS OF FACT,) CONCLUSIONS AND ORDER TO) ABATE NUISANCE) [R.C.O. Nos. 348 (RCC Title 17), 541) (RCC Title 8) and 725 (RCC Title 1)])
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The above-captioned matter came on regularly for hearing on March 13, 2007, 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 14786 Laurel Road, Riverside, Riverside County, California and further described as Assessor's Parcel Number 271-050-011 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 Director of the Code Enforcement Department.

Owner, Darrell E. also appeared and addressed the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) and as a public

1 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 Darrell E. Koska and Deanna S. Koska. ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: Fidelity National Title Insurance Co., C.I.T. Financial Services, Inc., and
7 Chicago Title Insurance Company ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 9, 2006, July
9 13, 2006, November 2, 2006, February 5, 2007 and March 12, 2007.

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: tires, appliances, wood, metal, debris, rubbish, household trash, furniture, bikes, buckets
13 and miscellaneous items. The outside storage of materials and accumulated rubbish was
14 intermingled and located throughout the entire portion of THE PROPERTY. The total area of excess
15 outside storage of materials and accumulated rubbish consisted of approximately two thousand four
16 hundred (2,400) square feet.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

19 6. Notices of Noncompliance were recorded on July 28, 2006 as Document Numbers
20 2006-0552438 and 2006-0552439 in the Office of the County Recorder, County of Riverside.

21 7. On May 9, 2006, Notices of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On June 7, 2006, June 15, 2006 June 21, 2006,
23 and August 9, 2006, Notices of Violation were mailed to OWNERS and INTERESTED PARTIES
24 by certified mail, return receipt requested.

25 8. On January 31, 2007, a "Notice To Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
27 13, 2007 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
28 PARTIES and was posted on THE PROPERTY on February 5, 2007.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 13, 2007 finds and concludes that:

1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the real property located at 14786 Laurel Road, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 271-050-011 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

2. WHEREAS, THE OWNERS, occupants or any person having possession or control of the premises should abate the condition by removing and disposing of the excess outside storage of materials and accumulation of rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Darrell E. Koska and Deanna S. Koska or anyone having possession or control of THE PROPERTY, by removing and disposing of the excess outside storage of materials and accumulation of rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of

1 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
2 rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a
3 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
4 necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
8 County Ordinance Nos. 348 (RCC Chapter 17.32), 541 (RCC Chapter 8.120), and 725 (RCC
9 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
10 expenses reasonably related to the abatement of conditions which violate County Land Use
11 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
12 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
13 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
14 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
15 ninety (90) days of the date of this Order to Abate Nuisance.

16
17 Dated: _____

COUNTY OF RIVERSIDE

18
19 By _____
John Tavaglione
Chairman, Board of Supervisors

20 ATTEST:

21 NANCY ROMERO

22 Clerk to the Board

23
24 By

25 Deputy

26 (SEAL)

27 g:\property\01-code\bs\abatement\hall5327348 and 541 fof.doc