

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

758B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 23, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-4184
Subject Property: Vacant Parcel S/E Centaur Road and Helios Road, Riverside
APN: 285-070-003
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-4184 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 05-4184; 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 05-4184.

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

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

BY
Tina Grande

County Executive Office Signature

Consent
 Policy
 Consent
 Policy

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

Prev. Agn. Ref.: 7/17/07 9.3

District: 1

Agenda Number:

2.19

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 05-4184

Subject Property: Vacant Parcel S/E Centaur Road and Helios Road, Riverside

APN: 285-070-003

District One

BACKGROUND:

On July 17, 2007 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.

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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 05-4184
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 285-070-)	FINDINGS OF FACT,
003, VACANT PARCEL S/E CENTAUR ROAD)	CONCLUSIONS AND ORDER TO
AND HELIOS ROAD, RIVERSIDE, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; DAVID R. SMITH,)	
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 July 17, 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 as Vacant Parcel at southeast corner of Centaur Road and Helios Road, Riverside, Riverside County, California and further described as Assessor's Parcel Number 285-070-003 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, David R. Smith, spoke with Tiffany N. North before the hearing but did not address 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

1 County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) 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 David R. Smith ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to-wit: Elmar John Baxter and Jeannie Marie Baxter, Trustees of the Elmar & Jeannie
8 Baxter Charitable Trust ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers July 11, 2006,
10 August 29, 2006, September 14, 2006, September 25, 2006, April 19, 2007, May 30, 2007, June 21,
11 2007 and July 13, 2007.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials included but were not limited to: used
14 construction materials, railroad ties, cables, hoses, plywood, lumber, large culvert pipes, small pipes,
15 scaffolding, discarded furniture, spa, storage containers, forklifts, semi-trailers, miscellaneous other
16 items, rubbish and debris. During September 14, 2006 inspection, the amount of the excess outside
17 storage and accumulated of rubbish was determined to be approximately two thousand seven
18 hundred one (2,701) square feet. During the May 30, 2007 inspection, it was determined that the
19 amount of excess outside storage and accumulated rubbish to be approximately seventeen thousand
20 nine hundred fifty-five (17,955) square feet.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.
23 Given that the parcel is unimproved, with no permitted structures, no outside storage of materials is
24 allowed on THE PROPERTY. Further, no accumulated rubbish is allowed to remain on THE
25 PROPERTY.

26 6. A Notice of Noncompliance for excessive outside storage of materials was recorded
27 on December 28, 2006 as Document Number 2006-0948072 in the Office of the County Recorder,
28 County of Riverside. A Notice of Noncompliance for accumulated rubbish was recorded on August

1 3, 2006 as Document Number 2006-0573147 in the Office of the County Recorder, County of
2 Riverside.

3 7. On July 12, 2006, a Notice of Violation for the illegal land use (storage yard) and
4 accumulated rubbish was posted on THE PROPERTY. On September 25, 2006, a Notice of
5 Violation for the excess outside storage was posted on THE PROPERTY. On July 25, 2006, Notices
6 of Violation for the illegal land use (storage yard) and accumulated rubbish were mailed to OWNER
7 and INTERESTED PARTIES by certified mail, return receipt requested. On October 19, 2006, a
8 Notice of Violation for the excess outside storage was mailed to OWNER and INTERESTED
9 PARTIES by certified mail return receipt requested.

10 8. On June 13, 2007, a "Notice To Correct County Ordinance Violations and Abate
11 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 17,
12 2007 was mailed by certified mail, return receipt requested, to THE OWNER and INTERESTED
13 PARTIES and was posted on THE PROPERTY on June 21, 2007.

14 **FINDINGS AND CONCLUSIONS**

15 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
16 regular session assembled on July 17, 2007 finds and concludes that:

17 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
18 on the real property located at Vacant Parcel S/E Centaur Road and Helios Road, Riverside,
19 Riverside County, California, also identified as Assessor's Parcel Number 285-070-003 violates
20 Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and
21 constitutes a public nuisance. Under Riverside County Ordinance Nos. 348 and 541, no amount of
22 rubbish and no amount of outside storage of materials is allowed to be accumulated on THE
23 PROPERTY.

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

1 abatement costs accrued by the Department will be recoverable from the property owner(s) even if
2 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
3 Abate Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

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

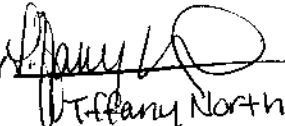
10 ATTEST:
11 NANCY ROMERO
12 Clerk to the Board

13 By
14 Deputy
15 (SEAL)

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25 FORM APPROVED
26 COUNTY COUNSEL

27 JUL 24 2007

28 BY 
Tiffany North