

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

113B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 26, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-3982
Subject Property: 4037 Blair Street, Corona,
APN: 115-232-006
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-3982 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 05-3982; 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 05-3982.

(Continued)

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

BY
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 9.1; 11/20/07 | District: 2 | Agenda Number:

2.5

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

Case No.: CV 05-3982

Subject Property: 4037 Blair Street, Corona

APN: 115-232-006

District Two

BACKGROUND:

On November 20, 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 05-3982
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 115-232-)	FINDINGS OF FACT,
006, 4037 BLAIR STREET, CORONA,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, MANUEL AGUILAR)	ABATE NUISANCE
HERNANDEZ; ELOISE R. HERNANDEZ,)	
OWNERS.)	[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 November 20, 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 4037 Blair Street, Corona, Riverside County, California and further described as Assessor's Parcel Number 115-232-006 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.

Owners Manuel Aguilar Hernandez and Eloise R. Hernandez spoke with Jim Monroe and Tiffany N. North before the hearing and the abatement process was explained to them. They did not address the Board 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 storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

1 Chapter 17.24) and 541 (Riverside County Code Chapter 8.120) and as a public 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 Manuel Aguilar Hernandez and Eloise R. Hernandez ("OWNERS").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE
6 PROPERTY, to-wit: Bank of America, NA ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 25, 2005,
8 May 3, 2007, May 24, 2007, August 21, 2007, October 31, 2007 and November 19, 2007.

9 4. During each inspection, outside storage of materials in excess of 200 square feet and
10 accumulation of rubbish were observed on THE PROPERTY. The materials included but were not
11 limited to: furniture, appliances, electronics, lumber, auto parts, pipe, drums, machinery, work tools,
12 construction materials, recyclables, and miscellaneous items. The accumulated rubbish consisted of,
13 but not limited to: cans, bottles, litter, green waste, cardboard, scrap metal, tires, auto parks, junked
14 appliances, furniture and miscellaneous debris. The total area of excess outside storage of materials
15 and accumulated rubbish consisted of approximately seven hundred (700) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on May 17, 2007 as Document Number
19 2007-0330325 in the Office of the County Recorder, County of Riverside.

20 7. On August 25, 2005 and May 3, 2007, Notices of Violation were posted on THE
21 PROPERTY. On September 27, 2005, a Notice of Violation was mailed to OWNERS by certified
22 mail, return receipt requested. On July 6, 2007, a Notice of Violation was mailed to OWNERS and
23 INTERESTED PARTY by certified mail, return receipt requested.

24 8. On October 17, 2007, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
26 November 20, 2007 was mailed by certified mail, return receipt requested, to THE OWNERS and
27 INTERESTED PARTY and was posted on THE PROPERTY on October 31, 2007.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on November 20, 2007 finds and concludes that:

4 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
5 on the real property located at 4037 Blair Street, Corona, Riverside County, California, also
6 identified as Assessor's Parcel Number 115-232-006 violates Riverside County Ordinance Nos. 348
7 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
8 Riverside County Ordinance Nos. 348 and 541, no amount of rubbish and no amount of outside
9 storage is allowed to be accumulated on THE PROPERTY.

10 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
11 of the premises should abate the condition by removing and disposing of the excess outside storage
12 of materials and accumulation of rubbish from the subject real property in strict accordance with all
13 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
14 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the outside storage of materials and accumulation of
22 rubbish on THE PROPERTY be abated by the OWNERS, specifically Manuel Aguilar Hernandez
23 and Eloise R. Hernandez or anyone having possession or control of THE PROPERTY, by removing
24 all outside storage of materials and removing and disposing of accumulated rubbish from the subject
25 real property in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within
27 ninety (90) days of the date of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within ninety (90)
3 days of the date of this Order to Abate Nuisance, the outside storage of materials and accumulation
4 of rubbish shall be abated and disposed of by representatives of the Riverside County Code
5 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
6 consent or a Court Order when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 348 (RCC Chapter 17.24), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Department will be recoverable from the
16 property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of
17 the date of this Order to Abate Nuisance.

18 Dated: _____ COUNTY OF RIVERSIDE
19
20 By _____
21 John Tavaglione
22 Chairman, Board of Supervisors

21 ATTEST:
22 NANCY ROMERO
23 Clerk to the Board

25 By
26 Deputy
27 (SEAL)
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