

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

317 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-2998
Subject Property: 38901 Reed Valley Road, Aguanga,
APNS: 571-280-037 and 571-280-039
District Three

SUBMITTAL DATE:
December 10, 2007

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2998 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 06-2998; 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 06-2998.

(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

Policy

Consent

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

Prev. Agn. Ref.: 11/27/07; 9.2

District: 3

Agenda Number:

2.52

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

Case No.: CV 06-2998

Subject Property: 38901 Reed Valley Road, Aguanga

APNS: 571-280-037 and 571-280-039

District Three

BACKGROUND:

On November 27, 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 06-2998
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APNS 571-)	FINDINGS OF FACT,
280-037 AND 571-280-039, 38901 REED)	CONCLUSIONS AND ORDER TO
VALLEY ROAD, AGUANGA, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; CHP VENTURES,)	
LLC, 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 November 27, 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 38901 Reed Valley Road, Aguanga, Riverside County, California and further described as Assessor's Parcel Numbers 571-280-037 and 571-280-039 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, Clay Harper appeared and addressed the Board of Supervisors.

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 Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as CHP Ventures, LLC. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Borrego Springs Bank, Cal Western Reconveyance Corp., and the U.S. Small
6 Business Administration ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 21, 2007,
8 August 13, 2007, October 16, 2007, and November 16, 2007.

9 4. During each inspection, outside storage of materials in excess of two hundred (200)
10 square feet and accumulation of rubbish were observed on THE PROPERTY. The materials
11 included but were not limited to: wood, lumber, dismantled paddle boats, portion of a brick building,
12 skateboard and miscellaneous ramps, green waste, black top area, and miscellaneous debris. The
13 total area of excess outside storage of materials consisted of approximately forty-seven thousand, six
14 hundred and eight (46,608) square feet.

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

17 6. Notices of Noncompliance were recorded on July 10, 2007 as Document Numbers
18 2007-0446765 and 2007-0446766 in the Office of the County Recorder, County of Riverside.

19 7. On June 21, 2007, Notices of Violation for violation of Riverside County Ordinance
20 Nos. 348 and 541 were posted on THE PROPERTY. On July 24, 2007, Notices of Violation were
21 mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

22 8. On October 11, 2007, a "Notice To Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
24 November 27, 2007 was mailed by certified mail, return receipt requested, to THE OWNER and
25 INTERESTED PARTIES and was posted on THE PROPERTY on October 16, 2007.

26 9. During the public hearing in this matter, Clay Harper addressed the Board of
27 Supervisors and requested an extension of time to bring THE PROPERTY into compliance. The
28 Board of Supervisors denied his request.

1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
3 days of the date of this Order, the outside storage of materials and accumulation of rubbish shall be
4 abated and disposed of by representatives of the Riverside County Code Enforcement Department, a
5 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
6 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 Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
11 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
12 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
13 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
14 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
15 abatement costs accrued by the Department will be recoverable from the property owner(s) even if
16 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
17 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
24

25 By
26 Deputy
27 (SEAL)
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