

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

533B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 27, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-2084
Subject Property: 22775 Cajalco Road, Perris,
APN: 317-080-008
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-2084 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 05-2084; 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 05-2084.

Departmental Concurrence

(continued)

[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

BY *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

- | | | | |
|--------------------------|-----------------|-------------------------------------|--------|
| <input type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Policy |
| <input type="checkbox"/> | Per Exec. Ofc.: | <input checked="" type="checkbox"/> | Policy |

Dep't Recomm.:

Prev. Agn. Ref.: 12/18/07; 9.2 | District: 1 | Agenda Number:

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

Case No.: CV 05-2084

Subject Property: 22775 Cajalco Road, Perris

APN: 317-080-008

District One

BACKGROUND:

On December 18, 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 05-2084
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 317-080-)	FINDINGS OF FACT,
008, 22775 CAJALCO ROAD, PERRIS,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
HENRIETTA L. STEPHENS, MYLENE)	
STEPHENS MULDREW, CRAIG STEPHENS,)	[R.C.O. Nos. 348 (RCC Title 17), 541
AND NANETTE STEPHENS, OWNERS;)	(RCC Title 8) and 725 (RCC Title 1)]
)	

The above-captioned matter came on regularly for hearing on December 18, 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 22775 Cajalco Road, Perris, Riverside County, California and further described as Assessor's Parcel Number 317-080-008 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Brian Black, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owners.

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Henrietta L. Stephens, Mylene Stephens Muldrew Craig Stephens, and
4 Nanette Stephens ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: Johnnie P. Stephens, George P. Stephens, Henrietta L. Stephens as Custodian
7 for Eugene Lynn Miller, National Automobile and Casualty Insurance Co. , Hardy Stephens Jr.,
8 Riverside County District Attorney, Joyce Ann Stephens, Superior Court of the State of California
9 for the County of Riverside, Arrow Financial Services, LLC, Ford Motor Credit Company, CACV of
10 Colorado, LLC, Michael Harris and Paul McDonnell – Tax Collector for the County of Riverside
11 ("INTERESTED PARTIES").

12 3. THE PROPERTY was inspected by Code Enforcement Officers on May 8, 2007, July
13 16, 2007, September 11, 2007, October 11, 2007, and November 14, 2007.

14 4. During each inspection the excess outside storage of materials and accumulation of
15 rubbish were observed on THE PROPERTY. The materials and rubbish included but were not
16 limited to: tires, appliances, trash, scrap metal, wood debris, and other miscellaneous items. The
17 amount of excess outside storage of materials and accumulated rubbish was intermingled and
18 determined to be approximately three thousand six hundred (3,600) 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 September 5, 2007 as Document
22 Number 2007-0566916 in the Office of the County Recorder, County of Riverside.

23 7. On May 8, 2007, a Notice of Violation was posted on THE PROPERTY. On June 5,
24 2007, Notices of Violation were mailed to OWNERS and INTERESTED PARTIES by certified
25 mail, return receipt requested.

26 8. On November 13, 2007, a "Notice To Correct County Ordinance Violations and
27 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
28 December 18, 2007 was mailed by certified mail, return receipt requested, to THE OWNERS and

1 INTERESTED PARTIES and was posted on THE PROPERTY on November 14, 2007.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on December 18, 2007 finds and concludes that:

5 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
6 on the real property located at 22775 Cajalco Road, Perris, Riverside County, California, also
7 identified as Assessor's Parcel Number 317-080-008 violates Riverside County Ordinance Nos. 348
8 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

9 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
10 of the premises should abate the condition by removing the outside storage of materials in excess of
11 two hundred (200) square feet and removing and disposing of all accumulated rubbish from the
12 subject real property in strict accordance with all Riverside County Ordinances, including but not
13 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter
14 8.120) within ninety (90) days.

15 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES 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 in excess of two
22 hundred (200) square feet and all accumulated rubbish on THE PROPERTY be abated by the
23 OWNERS, specifically Henrietta L. Stephens, Mylene Stephens Muldrew Craig Stephens, and
24 Nanette Stephens or anyone having possession or control of THE PROPERTY, by removing of the
25 excess outside storage of materials in excess of two hundred (200) square feet and removing and
26 disposing of all accumulated rubbish from the subject real property in strict accordance with all
27 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
28 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this

1 Order to Abate Nuisance.

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

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

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

4 Dated: _____

COUNTY OF RIVERSIDE

5

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By _____
John Tavaglione
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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By
Deputy

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(SEAL)

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