

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 27, 2007

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-3184
Subject Property: One Parcel South of Bundy Canyon Road, Wildomar
APN: 366-320-008
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3184 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 07-3184; 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 07-3184.

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 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.

[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

Dept's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy



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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 07-3184
[EXCESSIVE OUTSIDE STORAGE]; APN 366-)	
320-008, ONE PARCEL SOUTH OF BUNDY)	FINDINGS OF FACT,
CANYON ROAD, WILDOMAR, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; CASA MODELO)	ABATE NUISANCE
ENTERPRISES, INC., OWNER.)	
)	[R.C.O. Nos.348 and 725
)	R.C.C. Title 17 and 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 as One Parcel South of Bundy Canyon Road, Wildomar, APN: 366-320-008 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.

No one appeared on behalf of the owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.16), 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 owner of THE
3 PROPERTY as Casa Modelo Enterprises, Inc. (“OWNER”).

4 2. Documents of title at the time of the inspection indicated that another party potentially
5 holds a legal interest in THE PROPERTY, to wit: Presidio Mortgage, Inc., Pension (INTERESTED
6 PARTY).

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on April 26, 2007,
8 June 21, 2007, July 6, 2007, July 13, 2007, August 21, 2007, October 11, 2007, October 18, 2007 and
9 November 20, 2007.

10 4. During each inspection, the outside storage of materials in excess of 200 square feet was
11 observed on THE PROPERTY. The materials included but were not limited to: nine (9) large concrete
12 pipes.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
14 348 (Riverside County Code Chapter 17.16) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded on June 13, 2007 as Document Number 2007-
16 0388996 in the Office of the County Recorder, County of Riverside.

17 7. On April 26, 2007, a Notice of Violation was posted on the property. On May 7, 2007, a
18 notice was mailed to the Owner by certified mail, return receipt requested. On August 22, 2007 a notice
19 was mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested.

20 8. On October 17, 2007, a “Notice To Correct County Ordinance Violations and Abate Public
21 Nuisance” providing notice of the public hearing before the Board of Supervisors on November 20, 2007
22 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY, and
23 posted on THE PROPERTY on October 18, 2007.

24 **FINDINGS AND CONCLUSIONS**

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

27 1. WHEREAS, the excessive outside storage of materials (concrete pipes) on the real
28 property located One Parcel South of Bundy Canyon Road, Wildomar, Riverside County, California, also

1 identified as Assessor's Parcel Number 366-320-008 violates Riverside County Ordinance No. 348 (RCC
2 Chapter 17.16) and constitutes a public nuisance.

3 2. WHEREAS, THE OWNER, occupants or any person having possession or control of the
4 premises should abate the condition by removing and disposing of the excess outside storage of materials
5 from the subject real property in strict accordance with all Riverside County Ordinances, including but not
6 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
7 order.

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
14 be abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
15 disposing of the outside excess storage of materials (concrete pipes) from the subject real property in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance No. 348 within ninety (90) days of the posting or mailing of this Order to Abate Nuisance.

18 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County
20 Ordinance No. 348 (RCC Chapter 17.16), within ninety (90) days of the date of this Order to Abate
21 Nuisance, the excess outside storage of materials shall be abated and disposed of by representatives of the
22 Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of
23 an owner's consent or a Court Order when necessary under applicable law.

24 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
25 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
26 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 348 and
27 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
28 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but

1 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
2 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
3 the Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5 Dated: _____ COUNTY OF RIVERSIDE

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

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10 ATTEST:

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12 NANCY ROMERO

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14 Clerk to the Board

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17 By

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19 Deputy

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21 (SEAL)

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