

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

720B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
January 18, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage, Accumulation of Rubbish]  
Case No.: CV 07-4375  
Subject Property: 20678 Grand Avenue, Wildomar, APN: 368-100-065  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4375 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 07-4375; 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 07-4375.

**BACKGROUND:**

On January 15, 2008 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.

*[Handwritten Signature]*

TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
*[Handwritten Signature]*  
BY: Tina Grande  
**County Executive Office Signature**

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

**Prev. Agn. Ref.:** 1/15/08; 9.4 | **District:** 1 | **Agenda Number:**

2.14

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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 07-4375
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH]; APN 368-100-	)	FINDINGS OF FACT, CONCLUSIONS
065, 20678 GRAND AVENUE, WILDOMAR,	)	AND ORDER TO ABATE NUISANCE
RIVERSIDE COUNTY, CALIFORNIA; DONALD	)	
A. BERG, 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 January 15, 2008 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 20678 Grand Avenue, Wildomar, Assessor's Parcel Number 368-100-065 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Mr. Donald A. Berg appeared and addressed 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 and on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.16), 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Donald A. Berg ("OWNER").

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Norman B. Leeper, John W. Kirk, Elsinore Valley Municipal Water District  
6 and the State of California Franchise Tax Board ("INTERESTED PARTIES").

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on May 30, 2007,  
8 July 25, 2007, September 17, 2007, October 23, 2007, December 18, 2007, and January 14, 2008.

9           4.       During each inspection an accumulation of rubbish and excess outside storage was  
10 observed throughout THE PROPERTY consisting of but not limited to: household rubbish, broken  
11 and rusty farm equipment and an assortment of large storage containers. The excess outside storage  
12 of materials and accumulation of rubbish was determined to be approximately forty five thousand  
13 (45,000) square feet.

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

16           6.       Notice of Noncompliance for accumulated rubbish was recorded on August 16, 2007  
17 as Document Number 2007-0528076 in the Office of the County Recorder, County of Riverside.

18           7.       Notice of Noncompliance for excess outside storage was recorded on September 12,  
19 2007 as Document Number 2007-0578871 in the Office of the County Recorder, County of  
20 Riverside.

21           8.       On May 30, 2007, a Notice of Violation for accumulated rubbish was posted on THE  
22 PROPERTY. On July 25, 2007, a Notice of Violation for excessive outside storage was posted on  
23 THE PROPERTY. On July 31, 2007, Notices of Violation for excessive outside storage and  
24 accumulated rubbish were mailed to OWNER and INTERESTED PARTIES by certified mail, return  
25 receipt requested.

26           9.       On December 4, 2007, "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January  
28 15, 2008 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED

1 PARTIES and was posted on THE PROPERTY on December 18, 2007.

2 10. OWNER, Donald Berg, spoke at the public hearing and requested a six (6) month  
3 extension in which to bring THE PROPERTY into compliance. The Board of Supervisors denied his  
4 request.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
7 regular session assembled on January 15, 2008 finds and concludes that:

8 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
9 on the real property located at 20678 Grand Avenue, Wildomar, Riverside County, California, also  
10 identified as Assessor's Parcel Number 368-100-065 violates Riverside County Ordinance Nos. 348  
11 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

12 2. WHEREAS, THE OWNER, occupants and any other person having possession or  
13 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage  
14 by removing and disposing of all rubbish and removing all outside storage of materials in excess of  
15 two hundred (200 square feet on THE PROPERTY in strict accordance with all Riverside County  
16 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
17 (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
25 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Donald A.  
26 Berg or anyone having possession or control of THE PROPERTY, by removing and disposing of all  
27 accumulated rubbish and removing all outside storage of materials in excess of two hundred (200)  
28 square feet from the subject real property in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541  
2 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
4 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
5 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)  
6 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
7 accumulation of rubbish shall be abated by representatives of the Riverside County Code  
8 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
9 consent or a Court Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for  
11 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
13 County Ordinance Nos. 348 (RCC Chapter 17.16), 457 (RCC Chapter 15.16), 541 (RCC Chapter  
14 8.120), and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement  
15 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
16 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
17 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
18 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Roy Wilson  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy  
(SEAL)

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