

**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:
February 15, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-3133
Subject Property: 21877 Nance Street, Perris,
APN: 315-152-007
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-3133 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 05-3133; 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 05-3133.

[Handwritten Signature]

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

(continued)

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

Policy

Consent

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

Prev. Agn. Ref.: 01/29/08; 9.1

District: 1

Agenda Number:

2.37

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

Case No.: CV 05-3133

Subject Property: 21877 Nance Street, Perris

APN: 315-152-007

District One ^

BACKGROUND:

On January 29, 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.

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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 05-3133
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 315-152-007, 21877 NANCE STREET,)	CONCLUSIONS AND ORDER TO
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
CLYDE D. LEONARD, 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 29, 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 21877 Nance Street, Perris, Riverside County, California and further described as Assessor's Parcel Number 315-152-007 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.

No one appeared on behalf of owner.

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.

///

1 regular session assembled on January 29, 2008 finds and concludes that:

2 1. WHEREAS, the outside storage of materials and accumulation of rubbish on the real
3 property located at 21877 Nance Street, Perris, Riverside County, California, also identified as
4 Assessor's Parcel Number 315-152-007 violates Riverside County Ordinance Nos. 348 (RCC
5 Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
6 County Ordinance Nos. 348 and 541, no amount of rubbish and excess outside storage is allowed to
7 be accumulated on THE PROPERTY.

8 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
9 the premises should abate the condition by removing all outside storage of materials and removing
10 and disposing of the accumulation of rubbish from the subject real property in strict accordance with
11 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
12 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the outside storage of materials and accumulation of
20 rubbish on THE PROPERTY be abated by the OWNER, specifically Clyde D. Leonard, or anyone
21 having possession or control of THE PROPERTY, by removing of all the outside storage of
22 materials and removing and disposing of all accumulated rubbish from the subject real property in
23 strict accordance with all Riverside County Ordinances, including but not limited to Riverside
24 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
25 days of the date of this Order to Abate Nuisance.

26 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
27 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
28 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)

1 days of the date of this Order to Abate Nuisance, the outside storage of materials and accumulation
2 of rubbish shall be abated and disposed of by representatives of the Riverside County Code
3 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
4 consent or a court order when necessary under applicable law.

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

16 Dated: _____ COUNTY OF RIVERSIDE
17
18 By _____
19 Roy Wilson
20 Chairman, Board of Supervisors

21 ATTEST:
22 NANCY ROMERO
23 Clerk to the Board

24 By
25 Deputy
26 (SEAL)

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