

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

950B



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 07-1034
Subject Property: 78555 Darby Road, Indio
APN: 609-062-002
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1034 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 07-1034; 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 07-1034.

[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
- Policy
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 02/05/08; 9.3

District: 4

Agenda Number:

2.43

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

Case No.: CV 07-1034

Subject Property: 78555 Darby Road, Indio

APN: 609-062-002

District Four ^

BACKGROUND:

On February 5, 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 07-1034
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 609-062-)	FINDINGS OF FACT,
002, 78555 DARBY ROAD, INDIO, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; BRUCE G. WELLS,)	ABATE NUISANCE
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 February 5, 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 as 78555 Darby Road, Indio, Riverside County, California and further described as Assessor's Parcel Number 609-062-002 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.

Ms. North and Ms. Overholt spoke with the owner, Bruce G. Wells, prior to the hearing. Mr. Wells indicated that he would make efforts to clean THE PROPERTY within the next ninety (90) days. Mr. Wells chose not to address 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 on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

1 Chapter 17.24) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner
4 of THE PROPERTY as Bruce G. Wells ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: Cecelia A. Wells, Trustee of the Cecelia A. Wells Living Trust; Edward K.
7 Spanier & Renee Spanier; Stanford A. King; Howard A. Johnson and Connie W. Johnson, Trustees
8 of the Johnson Living Trust ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2007,
10 April 13, 2007, May 9, 2007, June 28, 2007, August 5, 2007, September 24, 2007, December 11,
11 2007, and February 1, 2008.

12 4. During each inspection, outside storage of materials in excess of two hundred (200)
13 square feet and an accumulation of rubbish were observed on THE PROPERTY. The materials and
14 rubbish were intermingled on THE PROPERTY and included but were not limited to: metal, wood,
15 concrete rubble, appliances, paint, auto parts, household trash, used car batteries, construction
16 equipment, tools, used pool materials, used tires and other miscellaneous materials, trash and debris.
17 The total area of excess outside storage of materials and accumulated rubbish was measured to be
18 approximately eighty eight thousand eight hundred (88,800) square feet.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on April 18, 2007 as Document Number
22 2007-0259274 in the Office of the County Recorder, County of Riverside.

23 7. On April 13, 2007, Notices of Violation for violation of Riverside County Ordinance
24 Nos. 348 and 541 were posted on THE PROPERTY. On April 23, 2007, Notices of Violation were
25 mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested. On
26 June 29, 2007, Notices of Violation for violation of Riverside County Ordinance Nos. 348 and 541
27 were mailed by certified mail, return receipt requested to an interested party Edward and Renee
28 Spanier.

1 8. On December 19, 2007, the second notice - "Notice to Correct County Ordinance
2 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of
3 Supervisors on February 5, 2008 was mailed by certified mail, return receipt requested, to THE
4 OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on December 20,
5 2007.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on February 5, 2008 finds and concludes that:

9 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
10 on the real property located at 78555 Darby Road, Indio, Riverside County, California, also
11 identified as Assessor's Parcel Number 609-062-002 violates Riverside County Ordinance Nos. 348
12 (RCC Title 17) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
13 County Ordinance No. 541 (RCC Chapter 8.120), no amount of rubbish is allowed to be
14 accumulated on THE PROPERTY. Under Riverside County Ordinance No. 348 (RCC Chapter
15 17.24), a maximum of two hundred (200) square feet of outside storage of materials is allowed to be
16 stored on THE PROPERTY.

17 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
18 the premises should abate the condition by removing all outside storage of materials in excess of two
19 hundred (200) square feet and removing and disposing of all accumulated rubbish from the subject
20 real property in strict accordance with all Riverside County Ordinances, including but not limited to
21 Riverside County Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within
22 ninety (90) days.

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

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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.

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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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