

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

417B



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

**SUBMITTAL DATE:**  
March 17, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 04-3091  
Subject Property: 35680 Trig Road, Wildomar  
APN: 362-240-006  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-3091 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 04-3091; 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 04-3091.

*[Handwritten Signature]*

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

(Continued)

<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

BY *[Handwritten Signature]*  
Tina Grande

**County Executive Office Signature**

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

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

Case No.: CV 04-3091

Subject Property: 35680 Trig Road, Wildomar

APN: 362-240-006

District One

**BACKGROUND:**

On March 11, 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 04-3091
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
APN 362-240-006, 35680 TRIG ROAD,	)	CONCLUSIONS AND ORDER TO
WILDOMAR, RIVERSIDE COUNTY,	)	ABATE NUISANCE
CALIFORNIA; APACHE VALLEY	)	
INVESTMENTS, LLC, JOSEPH D. MERKIN,	)	[R.C.O. Nos. 348 (RCC Title 17), 541
ELLEN P. MERKIN AND AUDREY MERKIN,	)	(RCC Title 8) and 725 (RCC Title 1)]
OWNERS.	)	

The above-captioned matter came on regularly for hearing on March 11, 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 35680 Trig Road, Wildomar, Riverside County, California and further described as Assessor's Parcel Number 362-240-006 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 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 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners  
3 of THE PROPERTY as Apache Valley Investments, LLC, Joseph D. Merkin, Ellen P. Merkin and  
4 Audrey Merkin ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
6 PROPERTY, to wit: Ray L. and Rose Marie Deeler and Kenneth and Dale Deeler Menadue  
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 27, 2004,  
9 November 29, 2004, February 17, 2005, May 30, 2007, July 6, 2007, August 23, 2007, August 24,  
10 2007, October 11, 2007, December 20, 2007, February 17, 2008, and March 7, 2008.

11 4. During each inspection, outside storage of materials in excess of two hundred (200)  
12 square feet and an accumulation of rubbish were observed on THE PROPERTY. The materials and  
13 rubbish were intermingled throughout THE PROPERTY and included but were not limited to:  
14 carpet, blinds, insulation, wooden fence material, mattresses, a sofa, broken windows and other  
15 miscellaneous debris. The total area of excess outside storage of materials and accumulated rubbish  
16 consisted of approximately seven thousand three hundred twenty (7,320) square feet.

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

19 6. A Notice of Noncompliance was recorded on September 2, 2004 as Document  
20 Number 2004-0700474 in the Office of the County Recorder, County of Riverside.

21 7. On July 27, 2004 and May 30, 2007, Notices of Violation for violation of Riverside  
22 County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On August 11, 2004, June  
23 19, 2007 and November 28, 2007 Notices of Violation were mailed to OWNERS by certified mail,  
24 return receipt requested.

25 8. On January 31, 2008, the second notice - "Notice to Correct County Ordinance  
26 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of  
27 Supervisors scheduled for March 11, 2008, was mailed by certified mail, return receipt requested, to  
28 THE OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on February 1,

1 2008.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on March 11, 2008 finds and concludes that:

5 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
6 on the real property located at 35680 Trig Road, Wildomar, Riverside County, California, also  
7 identified as Assessor's Parcel Number 362-240-006 violates Riverside County Ordinance Nos. 348  
8 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
9 Riverside County Ordinance Nos. 348, given that THE PROPERTY does not have a legally  
10 permitted structure, no outside storage of materials is allowed to be stored on THE PROPERTY.  
11 Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on  
12 THE PROPERTY.

13 2. WHEREAS, THE OWNERS, occupants or any person having possession or control  
14 of the premises should abate the condition by removing of all outside storage of materials and  
15 removing and disposing of the accumulation of rubbish from the subject real property in strict  
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
17 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (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 OWNERS, specifically Apache  
26 Valley Investments, LLC, Joseph D. Merkin, Ellen P. Merkin and Audrey Merkin or anyone having  
27 possession or control of THE PROPERTY, by removing of all outside excess storage of materials  
28 and removing and disposing of all accumulated rubbish from the subject real property in strict

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

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

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

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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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