

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

909B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 21, 2008

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage];
Case No.: CV 05-3537
Subject Property: 8440 Yearling Way, Riverside; APN: 166-230-002
District Two

Departmental Concurrence

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials on the real property located at 8440 Yearling Way, Riverside, Riverside County, California, APN: 166-230-002 be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.32).
2. Bensherry D. Carey, the owner of the subject real property, is directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.

[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:
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
	Annual Net County Cost:	\$ N/A	For Fiscal Year:

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

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

Prev. Agn. Ref.:

District: 2

Agenda Number:

9.2

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3. If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing and disposing of the same from the real property.
4. The reasonable cost of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance Nos. 348 and 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials on the real property is declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare and Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by a Code Enforcement Officer on June 29, 2007.
2. The inspection revealed the excess outside storage of materials on the subject real property in violation of Riverside County Ordinance No. 348. The items included but were not limited to: lumber, auto parts, appliances, pipes, drums, machinery, furniture, building materials, work tools and other miscellaneous items. The excess outside storage of materials was estimated to measure approximately one thousand (1000) square feet.
3. Subsequent re-inspections of the above-described real property on August 2, 2007, November 6, 2007, February 19, 2008 and April 7, 2008 revealed that the property continued to be in violation of Riverside County Ordinance No. 348 (RCC Chapter 17.32).
4. The Code Enforcement Department and staff have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of excess outside storage of materials.