

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

156B



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

**SUBMITTAL DATE:**  
July 21, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage]  
Case No.: CV 04-4599  
Subject Property: 20750 Oleander Avenue, Perris  
APN: 295-140-009  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-4599 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 04-4599; 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 04-4599.

(Continued)

*[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

County Executive Office Signature

BY: *[Handwritten Signature]*  
Tina Grande

- Dept Recomm.:  Policy
- Per Exec. Ofc.:  Policy
- Consent
- Consent

Order to Abate [Excess Outside Storage]  
Case No.: CV\_04-4599  
Subject Property: 20750 Oleander Avenue, Perris  
APN: 295-140-009  
District One

**BACKGROUND:**

On July 1, 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 of materials on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

L:\DOCS\6000\CV044599\A30524.DOC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 04-4599
[EXCESS OUTSIDE STORAGE];	)	
APN 295-140-009, 20750 OLEANDER AVENUE,	)	FINDINGS OF FACT,
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;	)	CONCLUSIONS AND ORDER TO
LEO AGUILERA AND TERESA AGUILERA,	)	ABATE NUISANCE
OWNERS.	)	
	)	[R.C.O. No. 348 (RCC Title 17) and
	)	725 (RCC Title 1)]
	)	

The above-captioned matter came on regularly for hearing on July 1, 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 20750 Oleander Avenue, Perris, Assessor's Parcel Number 295-140-009 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owners, Leo Aguilera and Teresa Aguilera, appeared and spoke with Tiffany North and Jim Monroe prior to the public hearing, but did not address the Board of Supervisors during the hearing. Ms. Aguilera stated that she had applied for a CDBG grant. Ms. North and Mr. Monroe advised Ms. Aguilera that the County would not abate the uninstalled, stored mobile homes as long as the CDBG

1 application was pending. Ms. Aguilera stated that if the CDBG grant application was denied, she  
2 would move to immediately remove the uninstalled, stored mobile homes. Ms. Aguilera provided  
3 Ms. North with a written statement to be placed in the Code Enforcement file.

4 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
5 with attached Exhibits, evidencing the excessive outside storage on THE PROPERTY as violation of  
6 Riverside County Ordinance No. 348 (Riverside County Code Title 17.16) and as a public nuisance.

### 7 SUMMARY OF EVIDENCE

8 1. Documents of record in the Riverside County Recorder's Office identify the owners  
9 of THE PROPERTY as Leo Aguilera and Teresa Aguilera ("OWNERS").

10 2. Documents of title indicate that other parties potentially hold or allege a legal interest  
11 in THE PROPERTY, to wit: District Attorney, Family Support Division ("INTERESTED PARTY").

12 3. THE PROPERTY was inspected by Code Enforcement Officers on November 19,  
13 2004, March 8, 2005, February 24, 2006, June 5, 2006, September 4, 2007, October 16, 2007,  
14 January 3, 2008, April 15, 2008, May 30, 2008 and June 30, 2008.

15 4. During each inspection outside storage of materials in excess of two hundred (200)  
16 square feet was observed throughout THE PROPERTY consisting of, but not limited to: two (2)  
17 uninstalled, non-permitted single wide mobile homes and camper storage.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
19 No. 348, as codified in Riverside County Code ("RCC) Chapter 17.16) by the Code Enforcement  
20 Officer.

21 6. A Notice of Noncompliance for excess outside storage of materials was recorded on  
22 September 25, 2007 as Document Number 2007-0599971 in the Office of the County Recorder,  
23 County of Riverside.

24 7. On November 19, 2004, March 8, 2005, June 5, 2006 and September 4, 2007,  
25 Notices of Violations were posted on THE PROPERTY. On July 5, 2006 and September 13, 2007,  
26 Notice of Violation was mailed to OWNERS by certified mail, return receipt requested.

27 8. On May 28, 2008, the "Notice To Correct County Ordinance Violations and Abate  
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 1,

1 2008 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED  
2 PARTY and was posted on THE PROPERTY on May 30, 2008.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
5 regular session assembled on July 1, 2008 finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials on the real property (two  
7 uninstalled, non-permitted mobile homes and camper shell) located at 20750 Oleander Avenue,  
8 Perris, Riverside County, California, also identified as Assessor's Parcel Number 295-140-009  
9 violates Riverside County Ordinance No. 348 (RCC Title 17.16) and constitutes a public nuisance.

10 2. WHEREAS, THE OWNERS, occupants and any other person having possession or  
11 control of THE PROPERTY should abate the condition by removing of the excess outside storage of  
12 materials (two uninstalled, non-permitted mobile homes and camper shell) on THE PROPERTY in  
13 strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
14 County Ordinance No. 348 within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE  
22 PROPERTY be abated by THE OWNERS or anyone having possession or control of THE  
23 PROPERTY by removing of the excessive outside storage of materials on THE PROPERTY in strict  
24 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
25 Ordinance No.348 (RCC Chapter 17.16), within ninety (90) days of the posting and mailing of this  
26 Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the excessive outside storage of materials is not removed  
28 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance No. 348 (RCC Chapter 17.16) within ninety (90) days of the date of this Order to  
2 Abate Nuisance, the excessive outside storage of materials (two uninstalled, non-permitted mobile  
3 homes and camper shell) shall be abated and disposed of by representatives of the Riverside County  
4 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
5 consent or a Court Order when necessary under applicable law. However, even upon expiration of  
6 the ninety days (90), Code Enforcement will not move forward with the abatement of the mobile  
7 homes while the CDBG grant application is still active and pending. Once the CDBG grant  
8 application has been withdrawn or denied and the ninety (90) days has expired, Code Enforcement, a  
9 contractor or the Sheriff's Department can abate the excess outside storage in accordance with this  
10 Order to Abate Nuisance.

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 No. 348 (RCC Chapter 17.16) and 725 (RCC Chapter 1.16). Under Riverside  
15 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to  
16 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not  
17 be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
18 costs associated with the removal or correction of the violation." Reasonable abatement costs

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 accrued by the Code Enforcement Department will be recoverable from THE OWNERS even if THE  
2 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate  
3 Nuisance.

4  
5 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

6  
7 By \_\_\_\_\_  
8 Roy Wilson  
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

16 L:\DOCS\6000\CV044599\A30525.DOC

17  
18  
19  
20  
21  
22  
23  
24 FORM APPROVED COUNTY COUNSEL  
25 BY: Tiffany N. North 7/21/08  
26 TIFFANY N. NORTH DATE