

**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:
August 22, 2008

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-8268
Subject Property: One Parcel South of 17626 Brightman Avenue, Lake Elsinore
APN: 381-248-029
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8268 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 07-8268; 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 07-8268.

(Continued)

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

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: *[Signature]*
Tina Grande

County Executive Office Signature

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

Form 11 (Rev 06/2003)

Order to Abate [Excess Outside Storage]

Case No.: CV 07-8268

Subject Property: One Parcel South of 17626 Brightman Avenue, Lake Elsinore

APN: 381-248-029

District One

BACKGROUND:

On July 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 of materials (uninstalled, non-permitted mobile home) 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.

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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 07-8268
[EXCESS OUTSIDE STORAGE];)	
APN 381-248-029, ONE PARCEL SOUTH OF)	FINDINGS OF FACT,
17626 BRIGHTMAN AVENUE, LAKE)	CONCLUSIONS AND ORDER TO
ELSINORE, CALIFORNIA; RANDY W.)	ABATE NUISANCE
HORTON AND CYNTHIA J. HORTON,)	
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 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 One Parcel South of 17626 Brightman Avenue, Lake Elsinore, Riverside County, California, Assessor's Parcel Number 381-248-029 and referred to hereinafter as "THE PROPERTY."

Warren Y. Chu, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owner, Randy Horton appeared and addressed the Board of Supervisors during the hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage (uninstalled, non-permitted mobile

1 home) on THE PROPERTY as violation of Riverside County Ordinance No. 348 (Riverside County
2 Code Title 17.44) and as a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners
5 of THE PROPERTY as Randy W. Horton and Cynthia J. Horton ("OWNERS").

6 2. Documents of title indicate that another party potentially holds or alleges a legal
7 interest in THE PROPERTY, to wit: Orange County District Attorney, Family Support Division
8 ("INTERESTED PARTY").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 1, 2007,
10 March 11, 2008, April 21, 2008, July 1, 2008 and July 28, 2008.

11 4. During each inspection, THE PROPERTY was observed to be an unimproved parcel.
12 The outside storage of materials in excess of two hundred (200) square feet was observed throughout
13 THE PROPERTY consisting of, but not limited to: an uninstalled, non-permitted mobile home.
14 Given that THE PROPERTY is unimproved, no amount of outside storage is allowed to be kept on
15 THE PROPERTY pursuant to Riverside County Ordinance No. 348.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 No. 348, as codified in Riverside County Code ("RCC) Chapter 17.44) by the Code Enforcement
18 Officer.

19 6. A Notice of Noncompliance for excess outside storage of materials was recorded on
20 November 19, 2007 as Document Number 2007-0703784 in the Office of the County Recorder,
21 County of Riverside.

22 7. On October 19, 2007, Notice of Violations was mailed to OWNERS by certified mail,
23 return receipt requested. On March 17, 2008, a Notice of Violation was mailed to INTERESTED
24 PARTY by certified mail, return receipt requested.

25 8. On June 27, 2008, the "Notice To Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 29,
27 2008 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
28 PARTY and was posted on THE PROPERTY on July 1, 2008.

1 mobile home) on THE PROPERTY in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance No.348 (RCC Chapter 17.44), within ninety
3 (90) days of the posting and mailing of this Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if the excessive outside storage of materials is not removed
5 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance No. 348 (RCC Chapter 17.44) within ninety (90) days of the date of this Order to
7 Abate Nuisance, the excessive outside storage of materials (an uninstalled, non-permitted mobile
8 home) shall be abated by representatives of the Riverside County Code Enforcement Department, a
9 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
10 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 No. 348 (RCC Chapter 17.44) 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 accrued by the Code Enforcement Department will be recoverable from THE OWNERS even if THE

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1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

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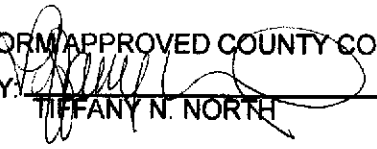
Dated: _____

COUNTY OF RIVERSIDE

By _____
Roy Wilson
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  8/19/08
TIFFANY N. NORTH DATE

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