

**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:
September 8, 2008

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-1431
Subject Property: 19765 Carmelita Avenue (aka: Vacant Lot North of 19801 Carmelita Avenue), Corona; APN: 279-053-028
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1431 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 07-1431; 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 07-1431.

(Continued)

Julie A.K. Jarvi

JULIE A.K. JARVI, 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 *Tina Grande*

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept. Recomm.:
Per Exec. Ofc.:

Order to Abate [Excess Outside Storage]

Case No.: CV 07-1431

Subject Property: 19765 Carmelita Avenue (aka: Vacant Lot North of 19801 Carmelita Avenue), Corona

APN: 279-053-028

District Two

BACKGROUND:

On September 2, 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 owner 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 07-1431
[EXCESS OUTSIDE STORAGE];)	
APN 279-053-028, 19765 CARMELITA AVENUE)	FINDINGS OF FACT,
(AKA: VACANT LOT NORTH OF 19801)	CONCLUSIONS AND ORDER TO
CARMELITA AVENUE), CORONA, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; PAUL G. CASTAGNO,)	
OWNER.)	[R.C.O. No. 348 (RCC Title 17) and
)	725 (RCC Title 1)]
)	
)	

The above-captioned matter came on regularly for hearing on September 2, 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 19765 Carmelita Avenue (aka: Vacant Lot North of 19801 Carmelita Avenue), Corona, Assessor's Parcel Number 279-053-028 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.

Owner, Paul Castagno, 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.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage on THE PROPERTY as violation of

1 Riverside County Ordinance No. 348 (Riverside County Code Title 17.32) 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 Paul G. Castagno ("OWNER").

5 2. Documents of title indicate that no other party potentially holds or alleges a legal
6 interest in THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 3, 2007, June
8 5, 2007, August 14, 2007, October 23, 2007, December 21, 2007, February 20, 2008, March 31,
9 2008, July 15, 2008 and August 29, 2008.

10 4. During each inspection outside storage of materials in excess of one hundred (100)
11 square feet was observed throughout THE PROPERTY consisting of, but not limited to: a pontoon
12 boat, two long wooden boxes, two utility trailers and miscellaneous wood debris. THE PROPERTY
13 is an unimproved parcel and therefore, no amount of outside storage is allowed.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 348, as codified in Riverside County Code ("RCC) Chapter 17.32) by the Code Enforcement
16 Officer.

17 6. A Notice of Noncompliance for excess outside storage of materials was recorded on
18 January 11, 2008, as Document Number 2008-0017582 in the Office of the County Recorder, County
19 of Riverside.

20 7. On June 5, 2007, Notice of Violation was posted on THE PROPERTY. On June 8,
21 2007, Notice of Violation was mailed to OWNER by certified mail, return receipt requested.

22 8. On July 14, 2008, the "Notice To Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
24 September 2, 2008 was mailed by certified mail, return receipt requested, to OWNER and was
25 posted on THE PROPERTY on July 15, 2008.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on September 2, 2008 finds and concludes that:

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance No. 348 (RCC Chapter 17.32) and 725 (RCC Chapter 1.16). Under Riverside
5 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to
6 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not
7 be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
8 costs associated with the removal or correction of the violation." Reasonable abatement costs
9 accrued by the Code Enforcement Department will be recoverable from OWNER even if THE
10 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
11 Nuisance.

12
13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Roy Wilson
Chairman, Board of Supervisors

17 ATTEST:
18 NANCY ROMERO
19 Clerk to the Board

20
21 By
22 Deputy
23 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Roons Jarvi → 9/8/08
JULIE A. ROONS JARVI DATE

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