

**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:
October 10, 2008

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 08-01075
Subject Property: 32610 Bryant Street, Wildomar
APN: 368-240-026
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01075 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 08-01075 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 08-01075

(Continued)

[Signature]

JULIE A.K. JARVIS, 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

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 10/07/08; 9.3 | District: 1 | Agenda Number:

Order to Abate [Excess Outside Storage]
Case No.: CV 08-01075
Subject Property: 32610 Bryant Street, Wildomar
APN: 368-240-026
District One

BACKGROUND:

On October 7, 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.

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5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A.K. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3535 Tenth Street, Suite 300 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-01075
[EXCESSIVE OUTSIDE STORAGE]; APN 368-)
240-026, 32610 BRYANT STREET,) FINDINGS OF FACT,
WILDOMAR, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; JOAN E. PENDER, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 348 and 725
) R.C.C. Title 17 and 1]

The above-captioned matter came on regularly for hearing on October 7, 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 as 32610 Bryant Street, Wildomar, APN: 368-240-026 and referred to hereinafter as "THE PROPERTY."

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

Owner's husband appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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1 32610 Bryant Street, Wildomar, Riverside County, California, also identified as Assessor's Parcel
2 Number 368-240-026 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

3 2. WHEREAS, THE PROPERTY OWNER, occupants or any person having possession or
4 control of the premises should abate the condition by removing and disposing of the excess outside
5 storage of materials from the subject real property in strict accordance with all Riverside County
6 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of
7 the posting or mailing of this order.

8 3. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY FUTHER
9 NOTICED that the time within which judicial review of the administrative determinations made herein
10 must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and
11 Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
14 be abated by THE PROPERTY OWNER or anyone having possession or control of THE PROPERTY, by
15 removing and disposing of the outside excess storage of materials from the subject real property in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

18 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County
20 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
21 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a
22 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
23 necessary under applicable law.

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1 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
2 be imposed as a lien on the property, which may be collected as a special assessment against the property
3 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 348 and 725. Under
4 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to
5 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
6 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs
7 associated with the removal or correction of the violation." Reasonable abatement costs accrued by the
8 Department will be recoverable from the property owner(s) even if the property is brought into
9 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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12 Dated: _____

COUNTY OF RIVERSIDE

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

17 ATTEST:

18 NANCY ROMERO
19 Clerk to the Board

20 FORM APPROVED COUNTY COUNSEL
21 BY: Julie A. Koons Jary 10/18/08
22 JULIE A. KOONS JARY DATE

23 By
24 Deputy
25 (SEAL)

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