

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

715B



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

**SUBMITTAL DATE:**  
December 22, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 07-3372  
Subject Property: 38020 Via Lobato Street, Temecula  
APN: 924-070-017  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3372 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 07-3372; 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 07-3372.

*[Signature]*  
JULIE A.K. JARVI Deputy County Counsel  
for PAMELA J. WALLS, Interim 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

BY *[Signature]*  
Tina Grande

County Executive Office Signature

- X Consent  Policy
- Consent  Policy

Dept't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 12/16/08; 9.2

District: 3

Agenda Number:

2.10

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 07-3372

Subject Property: 38020 Via Lobato Street, Temecula

APN: 924-070-017

District Three

**BACKGROUND:**

On December 16, 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 and accumulation of rubbish 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, Conclusion and Order to Abate.

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WHEN RECORDED PLEASE MAIL TO:  
Julie A.K. Jarvi, 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 07-3372  
[EXCESSIVE OUTSIDE STORAGE AND )  
ACCUMULATION OF RUBBISH]; APN 924-070- ) FINDINGS OF FACT,  
017, 38020 VIA LOBATO STREET, TEMECULA, ) CONCLUSIONS AND ORDER TO  
RIVERSIDE COUNTY, CALIFORNIA; LAUREL ) ABATE NUISANCE  
JONES AZARIA, OWNER. )  
) [R.C.O. Nos. 348 (RCC Title 17), 541  
) (RCC Title 8) and 725 (RCC Title 1)]  
)

The above-captioned matter came on regularly for hearing on December 16, 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 38020 Via Lobato Street, Temecula, Riverside County, California and further described as Assessor's Parcel Number 924-070-017 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.

No one appeared on behalf of OWNER.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Title 17) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner  
3 of THE PROPERTY as Laurel Jones Azaria ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Land Home Financial Services, Chicago Title Company and Mortgage  
6 Electronic Registration Systems, Inc. (MERS) ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 9, 2007, July  
8 10, 2007, November 27, 2007, December 26, 2007, February 20, 2008, May 9, 2008, July 25, 2008,  
9 September 9, 2008, September 25, 2008, November 19, 2008 and December 12, 2008.

10 4. During each inspection, outside storage of materials in excess of 200 square feet and  
11 accumulation of rubbish were observed on THE PROPERTY. The materials included but were not  
12 limited to: 2 metal containers, mobilehome siding, roofing tile, chain link fencing, scrap white iron,  
13 bed frame, ceramic molding containers, scrap wood and miscellaneous trash and debris.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
15 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on June 13, 2007 as Document Number  
17 2007-0388863 in the Office of the County Recorder, County of Riverside.

18 7. On May 15, 2007 and June 1, 2007, Notices of Violation were mailed to OWNER and  
19 on June 15, 2007 were mailed to OWNER and INTERESTED PARTIES by certified mail, return  
20 receipt requested. On January 9, 2008, a Notice of Violation was mail to INTERESTED PARTY  
21 MERS and on March 4, 2008, a Notice of Violation was mailed to OWNER and INTERESTED  
22 PARTIES.

23 8. On November 18, 2008, a "Notice to Correct County Ordinance Violations and Abate  
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on  
25 December 16, 2008 was mailed by certified mail, return receipt requested, to OWNER and  
26 INTERESTED PARTIES and was posted on THE PROPERTY on November 19, 2008.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on December 16, 2008 finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
3 on the real property located at 38020 Via Lobato Street, Temecula, Riverside County, California,  
4 also identified as Assessor's Parcel Number 924-070-017 violates Riverside County Ordinance Nos.  
5 348 (RCC Title 17) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
6 Riverside County Ordinance Nos. 348 and 541, excess outside storage greater than 200 square feet is  
7 not allowed and no amount of rubbish may be accumulated on THE PROPERTY.

8 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
9 the premises should abate the condition by removing and disposing of the excess outside storage of  
10 materials and accumulation of rubbish from the subject real property in strict accordance with all  
11 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
12 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the excess outside storage of materials greater than 200  
20 square feet and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically  
21 Laurel Jones Azaria or anyone having possession or control of THE PROPERTY, by removing and  
22 disposing of the outside excess storage of materials greater than 200 square feet and accumulation of  
23 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,  
24 including but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC  
25 Chapter 8.120) within ninety (90) days of the date of this order.

26 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
27 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
28 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days of the

1 date of this Order, the excess outside storage of materials and accumulation of rubbish shall be  
2 abated by representatives of the Riverside County Code Enforcement Department, a contractor or the  
3 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under  
4 applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
6 for hearing, shall be imposed as a lien on the property, which may be collected as a special  
7 assessment against the property pursuant to Government Code section 25845 and Riverside County  
8 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under  
9 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably  
10 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,  
11 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,  
12 and the costs associated with the removal or correction of the violation." Reasonable abatement  
13 costs accrued by the Department will be recoverable from the property owner(s) even if the property  
14 is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

15  
16 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

17  
18 By \_\_\_\_\_  
19 Jeff Stone  
20 Chairman, Board of Supervisors

21 ATTEST:  
22 NANCY ROMERO  
23 Clerk to the Board

24 By \_\_\_\_\_  
25 Deputy  
26 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi 12/22/08  
JULIE A. KOONS JARVI DATE

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