

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

927B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 16, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-04131
Subject Property: 26400 Olive Drive, Hemet
APN: 447-150-014
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04131 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 08-04131; 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 08-04131.

Departmental Concurrence

[Signature]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, Interim 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
[Signature]
BY: Tina Grande
Tina Grande

County Executive Office Signature

- | | |
|-----------|-------------------------------------|
| Policy | <input type="checkbox"/> |
| Consent | <input type="checkbox"/> |
| X Consent | <input checked="" type="checkbox"/> |
| Policy | <input type="checkbox"/> |

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

Prev. Agn. Ref.: 01/06/09; 9.9 | District: 3 | Agenda Number:

2.21

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

Case No.: CV 08-04131

Subject Property: 26400 Olive Drive, Hemet

APN: 447-150-014

District Three

BACKGROUND:

On January 6, 2009 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 08-04131
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 447-150-)	FINDINGS OF FACT,
014, 26400 OLIVE DRIVE, HEMET, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; MICHAEL S. PULLEN)	ABATE NUISANCE
AND LUANA D. PULLEN, OWNERS.)	
)	[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 January 6, 2009, 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 26400 Olive Drive, Hemet, Riverside County, California and further described as Assessor's Parcel Number 447-150-014 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 owners
3 of THE PROPERTY as Michael S. Pullen and Luana D. Pullen ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Ameriquest Mortgage Company and Jennifer Lynn Beam ("INTERESTED
6 PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 30, 2008,
8 July 10, 2008, August 20, 2008, October 22, 2008, December 9, 2008, and January 5, 2009.

9 4. During each inspection, outside storage of materials in excess of 200 square feet and
10 accumulation of rubbish were observed on THE PROPERTY. The materials included but were not
11 limited to: buckets, lawn mower, lawn furniture, cut building wood, cut tree branches, pipes, carpet,
12 fencing gate and a large metal dish. The total area of excess outside storage of materials consisted of
13 approximately five hundred twelve (512) square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 Nos. 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on May 27, 2008 as Document Number
17 2008-0286147 in the Office of the County Recorder, County of Riverside.

18 7. On April 30, 2008, Notices of Violation for violation of Riverside County Ordinance
19 Nos. 348 and 541 were posted on THE PROPERTY. On June 5, 2008, Notices of Violation were
20 mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

21 8. On December 4, 2008, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
23 6, 2009 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
24 PARTIES and was posted on THE PROPERTY on December 9, 2008.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on January 6, 2009 finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish

1 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
2 applicable law.

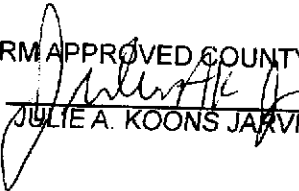
3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on the property, which may be collected as a special
5 assessment against the property pursuant to Government Code section 25845 and Riverside County
6 Ordinance Nos. 348 (RCC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

13
14 Dated: _____

COUNTY OF RIVERSIDE

15
16 By _____
17 Jeff Stone
18 Chairman, Board of Supervisors

19 ATTEST:
20 NANCY ROMERO
21 Clerk to the Board

22 FORM APPROVED COUNTY COUNSEL
23 BY:  1/12/09
24 JULIE A. KOONS JARVI DATE

25 By
26 Deputy
27 (SEAL)
28