

**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:
February 13, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-4180
Subject Property: One Parcel North of 39290 Contreras Road, Anza
APN: 576-290-019
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4180 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 07-4180; 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 07-4180.

[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

BY: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 02/03/09; 9.1 | District: 3 | Agenda Number:

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

Case No.: CV 07-4180

Subject Property: One Parcel North of 39290 Contreras Road, Anza

APN: 576-290-019

District Three

BACKGROUND:

On February 3, 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 07-4180
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 576-290-)	FINDINGS OF FACT,
019, ONE PARCEL NORTH OF 39290)	CONCLUSIONS AND ORDER TO
CONTRERAS ROAD, ANZA, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; RICHARD H.)	
RODRIGUEZ AND ANGELA RODRIGUEZ,)	[R.C.O. Nos. 348 (RCC Title 17), 541
OWNERS.)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on February 3, 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 One Parcel North of 39290 Contreras Road, Anza, Riverside County, California and further described as Assessor's Parcel Number 576-290-019 and referred to hereinafter as "THE PROPERTY."

Elena Boeva, 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 owners.

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.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Richard H. Rodriguez and Angela Rodriguez (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: SCME Mortgage Bankers, Inc., Norwest Mortgage, Inc., First American
6 Loanstar Trustee Services, Riverside County Tax Collector, Macdowell & Associates, Ford Motor
7 Credit Company, Fresno County District Attorney, Orange County District Attorney Family Support
8 Division, Riverside County Department of Child Support Services and State of California Franchise
9 Tax Board (“INTERESTED PARTIES”).

10 3. THE PROPERTY was inspected by Code Enforcement Officers on May 30, 2007,
11 July 3, 2007, August 13, 2007, August 29, 2007, September 21, 2007, October 17, 2007, June 26,
12 2008, August 1, 2008, October 29, 2008, January 21, 2009 and January 31, 2009.

13 4. During each inspection, outside storage of materials in excess of one hundred (100)
14 square feet and accumulation of rubbish were observed on THE PROPERTY. The materials were
15 intermingled and consisted of, but were not limited to: household trash, wood waste, old mattresses,
16 the frame of a mobilehome, old furniture, building materials and car parts. The excess outside
17 storage of materials and rubbish was approximately one thousand five hundred (1,500) square feet.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 6. A Notice of Noncompliance was recorded on August 23, 2007 as Document Number
21 2007-0542682 in the Office of the County Recorder, County of Riverside.

22 7. On May 30, 2007, Notices of Violation for violation of Riverside County Ordinance
23 Nos. 348 and 541 were posted on THE PROPERTY. On May 31, 2007 and July 11, 2008, Notices
24 of Violation were mailed to OWNERS by certified mail, return receipt requested. On December 18,
25 2007 and July 11, 2008, Notice of Violation was mailed to INTERESTED PARTIES by certified
26 mail, return receipt requested.

27 8. On January 15, 2009, a “Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on February

1 3, 2009, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
2 PARTIES and was posted on THE PROPERTY on January 21, 2009.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on February 3, 2009 finds and concludes that:

6 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
7 on the real property located at One Parcel North of 39290 Contreras Road, Anza, Riverside County,
8 California, also identified as Assessor's Parcel Number 576-290-019 violates Riverside County
9 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.
10 Under Riverside County Ordinance Nos. 348 and 541, no amount of rubbish or outside storage in
11 excess of one hundred (100) square feet is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
13 the premises should abate the condition by removing and disposing of the excess outside storage of
14 materials in excess of one hundred (100) square feet and accumulation of rubbish from the subject
15 real property in strict accordance with all Riverside County Ordinances, including but not limited to
16 Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety
17 (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials in excess of one
25 hundred (100) square feet and accumulation of rubbish on THE PROPERTY be abated by the
26 OWNERS, specifically Richard H. Rodriguez and Angela Rodriguez, or anyone having possession
27 or control of THE PROPERTY, by removing and disposing of the outside excess storage of materials
28 in excess of one hundred (100) square feet and accumulation of rubbish from the subject real

1 property in strict accordance with all Riverside County Ordinances, including but not limited to
2 Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety
3 (90) days of the date of this order.

4 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
5 accordance with all Riverside County Ordinances, including but not limited to Riverside County
6 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days of the
7 date of this Order, the excess outside storage of materials in excess of one hundred (100) square feet
8 and accumulation of rubbish shall be abated by representatives of the Riverside County Code
9 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
10 consent or a Court Order when 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 County
14 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under
15 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
16 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
17 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,

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1 and the costs associated with the removal or correction of the violation.” Reasonable abatement
2 costs accrued by the Department will be recoverable from the property owner(s) even if the property
3 is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.
4

5 Dated: _____

COUNTY OF RIVERSIDE

6

By _____

7

Jeff Stone
Chairman, Board of Supervisors

8

ATTEST:

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NANCY ROMERO

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Clerk to the Board

11

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By

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Deputy

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(SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 2/9/09
JULIE A. KOONS JARVI DATE

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