

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

4328



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 13, 2009

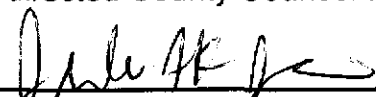
SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-6226
Subject Property: 39393 Solidago Road, Temecula; APN: 942-150-004
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6226 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 07-6226; 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 07-6226.

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 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.




 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: 
Tina Grande

County Executive Office Signature

Dep't Recomm.: Policy Policy
 X Consent Consent
 Per Exec. Ofc.:

Prev. Agn. Ref.: 02/03/09; 9.2 | District: 3 | Agenda Number:

2.9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 07-6226
[EXCESSIVE OUTSIDE STORAGE]; APN 942-)	
150-004, 39393 SOLIDAGO ROAD,)	FINDINGS OF FACT,
TEMECULA, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; DICK A. WELTY AND)	ABATE NUISANCE
CANDACE WELTY, OWNERS.)	
)	[R.C.O. Nos. 348 and 725
)	R.C.C. Title 17 and 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 as 39393 Solidago Road, Temecula, Riverside County, APN: 942-150-004 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.

The property owner, Dick Welty, appeared but did not address 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.

///
///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Dick A. Welty and Candace Welty ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that other parties potentially hold
5 a legal interest in THE PROPERTY, to wit: Kenneth and Edna Barnes, Land America and CitiMortgage,
6 Inc., ("INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on August 20, 2007,
8 February 27, 2008, July 24, 2008, October 30, 2008 and January 16, 2009.

9 4. During each inspection, outside storage of materials in excess of two hundred (200) square
10 feet was observed on THE PROPERTY. The materials included but were not limited to: scrap wood,
11 farm equipment and miscellaneous items. The total area of excess outside storage of materials was
12 approximately three thousand five hundred forty-one point nine (3,541.9) square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
14 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded on September 4, 2007, as Document Number
16 2007-0563438 in the Office of the County Recorder, County of Riverside.

17 7. On August 20, 2007, a Notice of Violation was delivered and signed by OWNER. On
18 August 20, 2007, a notice was mailed to the OWNERS by certified mail, return receipt requested. On
19 September 12, 2007 the Notice was mailed to INTERESTED PARTIES and on June 26, 2008, was
20 mailed to INTERESTED PARTY, Marjorie Sams, by certified mail, return receipt requested.

21 8. On January 15, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing
22 before the Board of Supervisors on February 3, 2009 was mailed by certified mail, return receipt
23 requested, to THE PROPERTY OWNERS and INTERESTED PARTIES, and posted on THE
24 PROPERTY on January 16, 2009.

25 **FINDINGS AND CONCLUSIONS**

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

28 1. WHEREAS, the excessive outside storage of materials on the real property located at

1 39393 Solidago Road, Temecula, Riverside County, California, also identified as Assessor's Parcel
2 Number 942-150-004 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

3 2. WHEREAS, THE PROPERTY OWNERS, 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 in excess of two hundred (200) square feet from the subject real property in strict
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County
7 Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

8 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES 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 in excess of two hundred (200) square feet be abated by THE PROPERTY OWNERS or anyone having
15 possession or control of THE PROPERTY, by removing and disposing of the outside excess storage of
16 materials from the subject real property in strict accordance with all Riverside County Ordinances,
17 including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or
18 mailing of this order.

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

25 ///

26 ///

27 ///

28 ///

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. 457, 348, 541, and
4 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
5 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
6 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
7 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
8 the 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.

10
11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 Jeff Stone
16 Chairman, Board of Supervisors

17 ATTEST:

18 NANCY ROMERO
19 Clerk to the Board

20
21 FORM APPROVED COUNTY COUNSEL
22 BY:  3/9/09
23 JULIE A. KOONS JARVI DATE

24 By
25 Deputy
26 (SEAL)

27
28 L:\DOCS\6000\CV074180\A41950.DOC