

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

434B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 13, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-01925 and CV 08-01926
Subject Property: 30951 Paradise Palm Avenue, Homeland
APN: 459-253-005
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-01925 and CV 08-01926 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 Nos. CV 08-01925 and CV 08-01926; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-01925 and CV 08-01926.



JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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

Policy
 Policy
 Consent
 Consent

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

Prev. Agn. Ref.: 02/10/09; 9.6

District: 5

Agenda Number:

2.12

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

Case Nos: CV 08-01925 and CV 08-01926

Subject Property: 30951 Paradise Palm Avenue, Homeland

APN: 459-253-005

District Five

BACKGROUND:

On February 10, 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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1 Title 17) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Franklin D. Daniels and Laura A. Daniels ("OWNERS").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE
6 PROPERTY, to-wit: Citifinancial Services, Inc. ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 22, 2008,
8 August 11, 2008, August 27, 2008, September 17, 2008, December 3, 2008 and January 23, 2009.

9 4. During each inspection, outside storage of materials and accumulation of rubbish
10 were observed on THE PROPERTY. The materials were intermingled, including but not limited to:
11 lumber, stacked tree wood, plastic containers, shelves, pots, animal cages, barrels, used and broken
12 plywood, broken blocks and bricks, furniture, tarps and various items covered with tarps. The total
13 area of excess outside storage of materials consisted of approximately eight hundred (800) square
14 feet.

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
16 Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

17 6. A Notice of Noncompliance was recorded on July 9, 2008 as Document Number
18 2008-0375100 in the Office of the County Recorder, County of Riverside.

19 7. On April 22, 2008, Notices of Violation for violation of Riverside County Ordinance
20 Nos. 348 and 541 were posted on THE PROPERTY. On June 18, 2008, Notices of Violation were
21 mailed to OWNERS and INTERESTED PARTY by certified mail, return receipt requested.

22 8. On January 21, 2009, a "Notice to Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on February
24 10, 2009 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
25 PARTY and was posted on THE PROPERTY on January 23, 2009.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on February 10, 2009 and concludes that:

1 abated by representatives of the Riverside County Code Enforcement Department, a contractor or the
2 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
3 applicable law.

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
5 for hearing, shall be imposed as a lien on the property, which may be collected as a special
6 assessment against the property pursuant to Government Code section 25845 and Riverside County
7 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under
8 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
9 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
10 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.

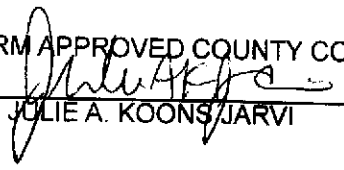
4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Jeff Stone
Chairman, Board of Supervisors

9 ATTEST:
10 NANCY ROMERO
11 Clerk to the Board

12 By
13 Deputy
14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  2/11/09
JULIE A. KOONS JARVI DATE