

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

625 B



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

**SUBMITTAL DATE:**  
March 9, 2009

**SUBJECT:** Order to Abate [Excess Outside Storage]  
Case No.: CV 08-01206  
Subject Property: 41311 Florida Avenue, Hemet; APN: 438-200-002  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01206 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 08-01206; 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 08-01206.

**BACKGROUND:**

On February 24, 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*  
\_\_\_\_\_  
JULIE A.K. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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 *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

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

SEARCHED TO VM 3:12  
INDEXED TO VM 3:12  
FILED TO VM 3:12

Prev. Agn. Ref.: 02/24/09; 9.2 | District: 3 | Agenda Number:

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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 08-01206
[EXCESSIVE OUTSIDE STORAGE]; APN 438-	)	
200-002, 41311 FLORIDA AVENUE, HEMET,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;	)	CONCLUSIONS AND ORDER TO
DONALD A. PEEL, TRUSTEE OF THE PEEL	)	ABATE NUISANCE
FAMILY TRUST DATED OCTOBER 3, 1973,	)	
AND DON PEEL, TRUSTEE FOR THE DON	)	[R.C.O. Nos.348 and 725
PEEL PROFIT SHARING TRUST, OWNERS.	)	R.C.C. Title 17 and 1]
	)	

The above-captioned matter came on regularly for hearing on February 24, 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 41311 Florida Avenue, Hemet, Riverside County, APN: 438-200-002 and referred to hereinafter as "THE PROPERTY."

Elena Boeva, Deputy County Counsel, appeared along with Kenneth King, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Donald Peel appeared on behalf of the owners, 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 Donald A. Peel, Trustee of the Peel Family Trust Dated October 3, 1973 and Don  
4 Peel, Trustee for the Don Peel Profit Sharing Trust ("OWNERS").

5 2. Documents of title at the time of the inspection indicated that no other parties potentially  
6 hold a legal interest in THE PROPERTY. However, THE PROPERTY is occupied by tenant Eddie  
7 Yabanez ("TENANT").

8 3. THE PROPERTY has been inspected by Code Enforcement Officers on April 1, 2008,  
9 July 21, 2008, October 1, 2008, January 27, 2009 and February 23, 2009.

10 4. During each inspection, outside storage of materials in excess of 200 square feet were  
11 observed on THE PROPERTY. The materials included but were not limited to: scrap metal, lumber,  
12 tools, equipment, automotive parts, construction material and other miscellaneous items. The total area of  
13 excess outside storage of materials was approximately one thousand (1,000) square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.  
15 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on April 24, 2008 as Document Number 2008-  
17 0209305 in the Office of the County Recorder, County of Riverside.

18 7. On April 1, 2008, a Notice of Violation was personally served to TENANT. On April 22,  
19 2008, a notice was mailed to the OWNERS by certified mail, return receipt requested.

20 8. On January 22, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing  
21 before the Board of Supervisors on February 24, 2009 was mailed by certified mail, return receipt  
22 requested, to the OWNERS and posted on THE PROPERTY on January 27, 2009.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
25 regular session assembled on February 24, 2009, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials on the real property located at  
27 41311 Florida Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel Number  
28 438-200-002 violates Riverside County Ordinance No. 348 and constitute a public nuisance.



1 the Department will be recoverable from the property owner(s) even if the property is brought into  
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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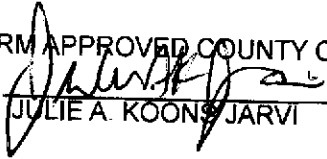
Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO  
Clerk to the Board

FORM APPROVED COUNTY COUNSEL  
BY:  3/2/09  
JULIE A. KOONS JARVI DATE

By  
Deputy  
(SEAL)