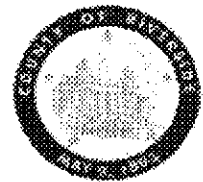


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

309B



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

**SUBMITTAL DATE:**  
April 13, 2009

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]; GNYLA  
Case No.: CV 08-01615  
Subject Property: 41658 Whittier Avenue, Hemet  
APN: 449-120-007  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01615 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 08-01615; 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 08-01615.

Departmental Concurrence

*Elena M. Boeva*  
\_\_\_\_\_  
ELENA M. BOEVA, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

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

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

Prev. Agn. Ref.: 04/07/09; 9.2 | District: 3 | Agenda Number:

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

Case No.: CV 08-01615

Subject Property: 41658 Whittier Avenue, Hemet

APN: 449-120-007

District Three

**BACKGROUND:**

On April 7, 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 08-01615
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH]; APN 449-120-	)	FINDINGS OF FACT,
007, 41658 WHITTIER AVENUE, HEMET,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; JAMES	)	ABATE NUISANCE
H. GNYLA AND SUZANNE GNYLA, 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 April 7, 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 41658 Whittier Avenue, Hemet, Riverside County, California and further described as Assessor's Parcel Number 449-120-007 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Senior Code Enforcement Officer, 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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners of  
3 THE PROPERTY as James H. Gnyla and Suzanne Gnyla("OWNERS").

4 2. Documents of title indicate that no other party potentially holds a legal interest in  
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 3, 2008,  
7 July 28, 2008, September 22, 2008, February 2, 2009, March 18, 2009 and April 6, 2009.

8 4. During each inspection, outside storage of materials in excess of 100 square feet and  
9 accumulation of rubbish were observed on THE PROPERTY. The materials were intermingled and  
10 consisted of, but were not limited to: wood, buckets, storage containers, chairs, tables, miscellaneous  
11 furniture, objects covered by tarps, milk crates, floor mats, plastic trash bags filled with objects,  
12 ladders, lawn mowers, broken furniture, miscellaneous trash and debris. The area of excess outside  
13 storage of materials and accumulated rubbish measured approximately two thousand two hundred  
14 fifty (2,250) square feet.

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
16 Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

17 6. A Notice of Noncompliance was recorded on August 19, 2008 as Document Number  
18 2008-0456599 in the Office of the County Recorder, County of Riverside.

19 7. On April 3, 2008, Notices of Violation for violation of Riverside County Ordinance  
20 Nos. 348 and 541 were posted on THE PROPERTY. On April 29, 2008, Notices of Violation were  
21 mailed to OWNERS by certified mail, return receipt requested

22 8. On March 12, 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 April 7,  
24 2009 was mailed by certified mail, return receipt requested, to the OWNERS and was posted on THE  
25 PROPERTY on March 18, 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 April 7, 2009, finds and concludes that:



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 assessment  
5 against the property pursuant to Government Code section 25845 and Riverside County Ordinance  
6 Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under Riverside  
7 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
8 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be  
9 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
10 costs associated with the removal or correction of the violation." Reasonable abatement costs  
11 accrued by the Department will be recoverable from the property owner(s) even if the property is  
12 brought into 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:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Elena M. Boeva 4-9-09  
ELENA M. BOEVA DATE