

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

332B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 17, 2009

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 08-04869 (NEGRETE)
Subject Property: 52823 Sugar Pine Drive, Idyllwild; APN: 559-171-003
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04869 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 08-04869; 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 08-04869.

BACKGROUND:

On September 1, 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, 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

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

Prev. Agn. Ref.: 09/01/09; 9.5 | District: 3 | Agenda Number:

2.11

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-04869
[EXCESSIVE OUTSIDE STORAGE]; APN 559-)
12 171-003, 52823 SUGAR PINE DRIVE,) FINDINGS OF FACT,
IDYLLWILD, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; HENRY NEGRETE, OWNER.) ABATE NUISANCE
14) [R.C.O. Nos.348 and 725
R.C.C. Title 17 and 1]
15

16 The above-captioned matter came on regularly for hearing on September 1, 2009, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 52823 Sugar Pine Drive, Idyllwild, Riverside County, APN: 559-171-003 and referred to
20 hereinafter as "THE PROPERTY."

21 Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Henry Negrete appeared, but did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

27 ///

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE
3 PROPERTY as Henry Negrete ("OWNER").

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: Metwest Mortgage Services, Inc. and Altura Credit Union
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on July 16, 2008,
8 November 20, 2008, June 19, 2009 and August 31, 2009.

9 4. During each inspection, outside storage of materials in excess of 200 square feet were
10 observed on THE PROPERTY. The materials included but were not limited to: construction material,
11 lumber, auto parts, tools, equipment and miscellaneous items. The total area of excess outside storage of
12 materials was approximately one thousand seven hundred (1,700) 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 August 19, 2008 as Document Number
16 2008-0456594 in the Office of the County Recorder, County of Riverside.

17 7. On July 16, 2008, a Notice of Violation was posted on THE PROPERTY. On September
18 15, 2008, a Notice of Violation was mailed to the OWNER and INTERESTED PARTIES by certified
19 mail, return receipt requested.

20 8. On June 15, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing
21 before the Board of Supervisors on September 1, 2009 was mailed by certified mail, return receipt
22 requested, to the OWNER and INTERESTED PARTIES and posted on THE PROPERTY on June 19,
23 2009.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on September 1, 2009, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials on the real property located at
28 52823 Sugar Pine Drive, Idyllwild, Riverside County, California, also identified as Assessor's Parcel

1 Number 559-171-003 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

2 2. WHEREAS, the OWNER, occupants or any person having possession or control of the
3 premises should abate the condition by removing and disposing of the excess outside storage of materials
4 from the subject real property in strict accordance with all Riverside County Ordinances, including but not
5 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
6 order.

7 3. WHEREAS, THE OWNER IS HEREBY FUTHER NOTICED that the time within which
8 judicial review of the administrative determinations made herein must be sought is ninety (90) days from
9 the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is
10 governed by California Code of Civil Procedure Section 1094.6.

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
13 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and
14 disposing of the outside excess storage of materials from the subject real property in strict accordance
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348
16 within ninety (90) days of the posting or mailing of this order.

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

23 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
24 be imposed as a lien on the property, which may be collected as a special assessment against the property
25 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and
26 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
27 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
28 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the

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

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

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: *[Signature]*
JULIE A. KOONS JARVI
DATE: 9/9/09