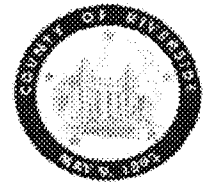


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

503B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 17, 2009

SUBJECT: Order to Abate [Excess Outside Storage] (BISHOP)
Case No.: CV 06-3597
Subject Property: 1 Parcel North of 41735 El Campo Road, Anza
APN: 576-260-012; District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3597 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 06-3597; 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 06-3597.

BACKGROUND:

On December 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 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.: ☒ Policy
Consent ☒ Consent ☒

Prev. Agn. Ref.: 12/01/09; 9.3

District: 3

Agenda Number:

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 Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-3597
[EXCESSIVE OUTSIDE STORAGE]; APN 576-)
12 260-012, 1 PARCEL NORTH OF 41735 EL) FINDINGS OF FACT,
CAMPO ROAD, ANZA, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; JACK W. BISHOP AND) ABATE NUISANCE
SHARON L. BISHOP, OWNERS.)
14) [R.C.O. Nos.348 and 725
15) R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on December 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 1 Parcel North of 41735 El Campo Road, Anza, Riverside County, APN: 576-260-012 and
20 referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owners.

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.

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28 ///

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Jack W. Bishop and Sharon L. Bishop ("OWNERS").

2. Documents of title at the time of the inspection indicated that other parties potentially hold a legal interest in THE PROPERTY, to wit: Elizabeth Vaitl, Trustee FBO the JDV Trust UAD August 13, 1991, Larry Glisson, Karen Gardner, Andree H. Ecklund, Title Trust Deed Service Co., Creative Investment Group, Inc., All Counties Trustee Service Co., and Anza Electric Corporation, Inc. ("INTERESTED PARTIES").

3. THE PROPERTY has been inspected by Code Enforcement Officers on September 5, 2006, January 24, 2007, May 22, 2007, May 29, 2007, November 27, 2007, June 26, 2008, August 1, 2008, November 5, 2008, December 16, 2008, April 8, 2009, May 18, 2009, September 24, 2009 and November 30, 2009.

4. During each inspection, outside storage of materials was observed on THE PROPERTY. The materials included but were not limited to: furniture, construction materials, tools, metal, agricultural equipment, and miscellaneous household items. The total area of excess outside storage of materials was approximately seven thousand five hundred (7,500) square feet.

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

6. A Notice of Noncompliance was recorded on November 10, 2008 as Document Number 2008-0595908 in the Office of the County Recorder, County of Riverside.

7. On September 5, 2007, a Notice of Violation was posted on THE PROPERTY. On September 8, 2006, a Notice of Violation was mailed to the FORMER OWNERS by certified mail, return receipt requested. On July 14, 2008 and December 8, 2008, a Notice of Violation was mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

8. On September 22, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing before the Board of Supervisors on December 1, 2009 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on September 24, 2009.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on December 1, 2009, finds and concludes that:

4 1. WHEREAS, the excessive outside storage of materials on the real property located at 1
5 Parcel North of 41735 El Campo Road, Anza, Riverside County, California, also identified as Assessor's
6 Parcel Number 576-260-012 violates Riverside County Ordinance No. 348 and constitute a public
7 nuisance.

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

13 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY FUTHER
14 NOTICED that the time within which judicial review of the administrative determinations made herein
15 must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and
16 Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

17 **ORDER TO ABATE NUISANCE**

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

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

FORM APPROVED COUNTY COUNSEL
BY JULIE A. KOONS, JURY
12/14/09
DATE

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.

12 Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

22 By
23 Deputy
24 (SEAL)