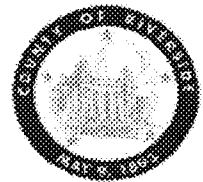


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

667B



SUBMITTAL DATE:
December 17, 2009

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 09-00219 & CV 09-02725 (ECKERT)
Subject Property: 27595 Ellis Avenue, Romoland
APN: 327-050-050
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-00219 & CV 09-02725 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 09-00219 & CV 09-02725; 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 09-00219 & CV 09-02725.

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

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

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

Consent ☐ Policy ☐
Consent ☒ Policy ☒

Prev. Agn. Ref.: 12/01/09; 9.9

District: 5

Agenda Number:

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

Case Nos.: CV 09-00219 & CV 09-02725

Subject Property: 27595 Ellis Avenue, Romoland

APN: 327-050-050

District Five

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 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.

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:
14 [EXCESSIVE OUTSIDE STORAGE AND
15 ACCUMULATION OF RUBBISH];
16 APN 327-050-050, 27595 ELLIS AVENUE,
17 ROMOLAND, RIVERSIDE COUNTY,
18 CALIFORNIA; ALLAN JOHN ECKERT,
19 TRUSTEE, OWNER.

) CASE NOS. CV 09-00219 &
) CV 09-02725
)

) FINDINGS OF FACT,
) CONCLUSIONS AND ORDER TO
) ABATE NUISANCE
)

) [R.C.O. Nos. 348 (RCC Chapter 17.44),
) 541 (RCC Chapter 8.120) and 725
) (RCC Title 1)]
)

20 The above-captioned matter came on regularly for hearing on December 1, 2009, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described as 27595 Ellis Avenue, Romoland, Riverside County, California and further
24 described as Assessor's Parcel Number 327-050-050 and referred to hereinafter as "THE
25 PROPERTY."

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

28 No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the owner of
6 THE PROPERTY as Allan John Eckert, Trustee ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: Network Funding Corporation, Great American Bank, Matrix Financial
9 Corporation, Nationwide Title Clearing, American Savings Bank, American Surety Company, Alice
10 Beasley Riverside County Department of Environmental Health and Wells Fargo Home Mortgage
11 ("INTERESTED PARTIES").

12 3. THE PROPERTY was inspected by Code Enforcement Officers on April 16, 2009,
13 May 21, 2009, July 1, 2009, August 5, 2009, November 10, 2009 and November 30, 2009.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
16 were not limited to: tools and equipment, auto parts, metal, wood, plastics, and miscellaneous trash
17 and debris. The officer visually estimated the amount of accumulated rubbish and excess outside
18 storage of materials was approximately two thousand five hundred (2,500) square feet. Given the
19 size of the parcel (.97 acres) and the zoning classification (R-R, Rural Residential), one hundred (100)
20 square feet of outside storage and no rubbish is allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. A Notice of Noncompliance was recorded on June 19, 2009 as Document Number
24 2009-0314491 in the Office of the County Recorder, County of Riverside.

25 7. On April 16, 2009, Notices of Violation for violation of Riverside County Ordinance
26 Nos. 348 and 541 were posted on THE PROPERTY. On May 4, 2009, Notice of Violations was
27 mailed to OWNER and on June 4, 2009 were mailed to INTERESTED PARTIES by certified mail,
28 return receipt requested.

8. On October 29, 2009, the "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled for December 1, 2009, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on November 10, 2009.

FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at 27595 Ellis Avenue, Romoland, Riverside County, California, also identified as Assessor's Parcel Number 327-050-050 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County Ordinance No. 348, one hundred (100) square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

2. WHEREAS, THE OWNER, occupants or any person having possession or control of the premises should abate the condition by removal of all outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Allan John Eckert, Trustee, or anyone having possession or control of THE PROPERTY, by removing all of the outside storage of materials in excess of one hundred (100) square feet and removing and disposing of

1 all accumulated rubbish from the subject real property in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)
3 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if the materials in excess of one hundred (100) square feet
5 and rubbish are not removed and disposed of in strict accordance with all Riverside County
6 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)
7 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance,
8 the excess outside storage of materials and accumulation of rubbish shall be abated and disposed of by
9 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
10 Department upon receipt of an owner's consent or a Court Order when necessary under applicable
11 law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
16 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:

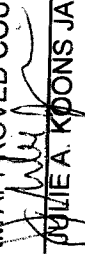
KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY  JULIE A. KOONS JARVI
DATE 12/16/09