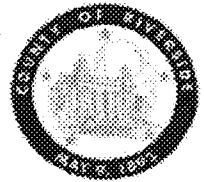


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

7208



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-6455 (FOSTER)
Subject Property: 37875 Shamrock, Anza; APN: 573-100-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6455 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 07-6455; 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 07-6455.

BACKGROUND:

On December 8, 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.

[Signature]

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: *Alex Gann*

Alex Gann

County Executive Office Signature

Dept't Recomm.: Policy Policy
Consent Consent Consent

Prev. Agn. Ref.: 12/08/09; 9.2 | 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**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-6455
[EXCESSIVE OUTSIDE STORAGE]; APN 573-)
12 100-012, 37875 SHAMROCK, ANZA,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; SUSAN) CONCLUSIONS AND ORDER TO
13 M. FOSTER, OWNER.) ABATE NUISANCE
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 8, 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 37875 Shamrock, Anza, Riverside County, APN: 573-100-012 and referred to hereinafter as
20 "THE PROPERTY."

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

23 Larry Wisda 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 Susan M. Foster ("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: Patricia Laughlin, Trustee and Fidelity National Title
6 Company ("INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on August 3, 2007,
8 September 11, 2007, October 15, 2007, November 19, 2007, June 4, 2008, July 11, 2008, August 13,
9 2008, November 5, 2008, April 8, 2009, May 18, 2009, July 16, 2009, October 8, 2009 and December 3,
10 2009.

11 4. During each inspection, outside storage of materials were observed on THE PROPERTY.
12 The materials included but were not limited to: heavy equipment, a water tank, horse corrals and boats.

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 September 26, 2007 as Document Number
16 2007-0603179 in the Office of the County Recorder, County of Riverside.

17 7. On August 3, 2007, a Notice of Violation was posted on THE PROPERTY. On August 7,
18 2007, June 18, 2008 and May 22, 2009, a Notice of Violation was mailed to the OWNER by certified
19 mail, return receipt requested. On December 8, 2008, a Notice of Violation was mailed to INTERESTED
20 PARTIES by certified mail return receipt requested.

21 8. On October 6, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing
22 before the Board of Supervisors on December 8, 2009 was mailed by certified mail, return receipt
23 requested, to the OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on
24 October 8, 2009.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on December 8, 2009, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials on the real property located at

1 37875 Shamrock, Anza, Riverside County, California, also identified as Assessor's Parcel Number 573-
2 100-012 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
25 be imposed as a lien on the property, which may be collected as a special assessment against the property
26 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and
27 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
28 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but

1 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
2 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
3 the Department will be recoverable from the property owner(s) even if the property is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5
6
7 Dated: _____

COUNTY OF RIVERSIDE

8
9
10 By _____
11 Marion Ashley
12 Chairman, Board of Supervisors

13 ATTEST:

14 KECIA HARPER-IHEM

15 Clerk to the Board

16
17 By
18 Deputy
19 (SEAL)
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21
22
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FORM APPROVED COUNTY COUNSEL
BY JULIE A. MOONS JARVI 1/14/10 DATE