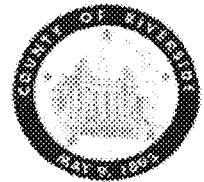


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

8043



FROM: County Counsel/TLMA
Code Enforcement Department

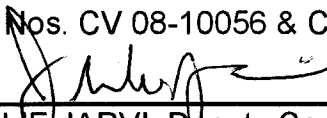
SUBMITTAL DATE:
January 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-10056 & CV 09-03796 (SCHWARTZ)
Subject Property: 17211 Covey Street, North Palm Springs
APN: 666-201-012
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10056 & CV 09-03796 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 Nos. CV 08-10056 & CV 09-03796; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10056 & CV 09-03796.

Departmental Concurrence



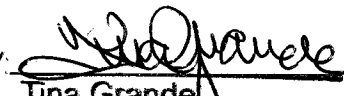
 JULIE JARVI, Deputy County Counsel
 for PAMELA J. WALLS, County Counsel

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

- X Consent Policy
- Consent Policy

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

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

Case Nos.: CV 08-10056 & CV 09-03796

Subject Property: 17211 Covey Street, North Palm Springs

APN: 666-201-012

District Five

BACKGROUND:

On December 15, 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:
Kecia Harper-Ihem, Clerk to 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 NOS. CV 08-10056 &
[EXCESSIVE OUTSIDE STORAGE AND) CV 09-03796
12 ACCUMULATION OF RUBBISH];)
APN 666-201-012, 17211 COVEY STREET,)
13 NORTH PALM SPRINGS, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; ANNE MARIE) CONCLUSIONS AND ORDER TO
14 SCHWARTZ, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 348 (RCC Chapter
16) 17.156), 541 (RCC Chapter 8.120) and
725 (RCC Title 1)]

17
18 The above-captioned matter came on regularly for hearing on December 15, 2009 before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real,
21 property described as 17211 Covey Street, North Palm Springs, Riverside County, California and
22 further described as Assessor's Parcel Number 666-201-012 and referred to hereinafter as "THE
23 PROPERTY."

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

26 No one appeared on behalf of Owner.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
28 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 17.156) 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 Anne Marie Schwartz ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: Anne Marie Schwartz Living Trust U/A dated August 7, 2007; The 17-211
9 Covey St. Trust, Ovando Moruna Villarrel, Trustee, The Security Trust and Mission Springs Water
10 District ("INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on November 25,
12 2008, May 6, 2009, June 3, 2009, July 11, 2009, September 1, 2009 and December 14, 2009.

13 4. During each inspection, the outside storage of materials and accumulation of rubbish
14 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
15 were not limited to: furniture, appliances, tires, machinery, auto parts, bikes, off road vehicles, scrap
16 metal, buckets, plastic containers, aluminum, wood and household items. The officer measured the
17 amount of accumulated rubbish and excess outside storage of materials as approximately four
18 thousand, thirty-four (4,034) square feet. Given the size of the parcel (.17 acres) and the zoning
19 classification (W-2-M, Controlled Development Areas with Mobilehomes), no amount of outside
20 storage is allowed on THE PROPERTY. No amount of 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 17.156) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. Notices of Noncompliance were recorded on January 20, 2009 and June 25, 2009 as
24 Document Numbers 2009-0025745 and 2009-0325137 in the Office of the County Recorder, County
25 of Riverside.

26 7. On November 25, 2008, a Notice of Violation for violation of Riverside County
27 Ordinance No. 348 was posted on THE PROPERTY. On June 3, 2009, a Notice of Violation for
28 violation of Riverside County Ordinance No. 541 was posted on THE PROPERTY. On December

1 22, 2008 and June 8, 2009, Notices of Violations were mailed to OWNER. On June 8, 2009, Notice
2 of Violation was mailed to INTERESTED PARTIES by certified mail, return receipt requested.

3 8. On August 31, 2009, the "Notice to Correct County Ordinance Violations and Abate
4 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
5 for November 17, 2009, was mailed by certified mail, return receipt requested, to OWNER and
6 INTERESTED PARTIES and was posted on THE PROPERTY on September 1, 2009.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on December 15, 2009 finds and concludes that:

10 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
11 the real property located at 17211 Covey Street, North Palm Springs, Riverside County, California,
12 also identified as Assessor's Parcel Number 666-201-012 violates Riverside County Ordinance Nos.
13 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
14 Riverside County Ordinance No. 348, due to the size and zoning of the parcel, no amount of outside
15 storage is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541,
16 no amount of rubbish is allowed to be accumulated on THE PROPERTY.

17 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
18 the premises should abate the condition by removal of all outside storage of materials and removing
19 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
20 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
21 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Anne Marie

1 Schwartz, or anyone having possession or control of THE PROPERTY, by removing all of the
2 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
3 real property in strict accordance with all Riverside County Ordinances, including but not limited to
4 Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within
5 ninety (90) days of the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
7 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
8 County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90)
9 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
10 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
11 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
12 consent or a Court Order when necessary under applicable law.

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

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 1/20/10
JULIE A. KOONS JARVI DATE