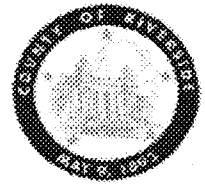


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

9148



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 10, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-6991 (CAMERON)
Subject Property: 21377 Nandina Avenue, Perris
APN: 295-260-017
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6991 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 07-6991; 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 07-6991.

Departmental Concurrence

[Signature]

JULIE JARVI, Deputy County Counsel
for FAMELA 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: *[Signature]*
Tina Grande

County Executive Office Signature

- | | |
|---------|-------------------------------------|
| Policy | <input type="checkbox"/> |
| Consent | <input type="checkbox"/> |
| Policy | <input type="checkbox"/> |
| Consent | <input checked="" type="checkbox"/> |

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

Prev. Agn. Ref.: 01/26/10; 9.1 | District: 1 | Agenda Number:

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

Case No.: CV 07-6991

Subject Property: 21377 Nandina Avenue, Perris

APN: 295-260-017

District One

BACKGROUND:

On January 26, 2010 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)

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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 07-6991
[EXCESSIVE OUTSIDE STORAGE AND)
12 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
APN 295-260-017, 21377 NANDINA AVENUE,) CONCLUSIONS AND ORDER TO
13 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
MERIDITH CAMERON, OWNER.)
14) [R.C.O. Nos. 348 (RCC Chapter
15) 17.120), 541 (RCC Chapter 8.120) and
725 (RCC Title 1)]
16)

17 The above-captioned matter came on regularly for hearing on January 26, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 21377 Nandina Avenue, Perris, Riverside County, California and further
21 described as Assessor's Parcel Number 295-260-017 and referred to hereinafter as "THE
22 PROPERTY."

23 Jonathan D. Holub, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 No one appeared on behalf of Owner.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner of
5 THE PROPERTY as Meridith Cameron ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Franklin Credit Management Corp., United PanAm Mortgage, MERS,
8 Citifinancial Services, Inc. ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 14, 2008,
10 July 15, 2008, January 30, 2009, June 5, 2009, August 6, 2009, November 12, 2009, and January 26,
11 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 was observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: tools, building materials, old spas, barrels, planting buckets, old furniture, auto
15 parts, cardboard, scrap wood, scrap metal, and miscellaneous trash and debris. The officer visually
16 estimated the amount of accumulated rubbish and excess outside storage of materials was
17 approximately ten thousand (10,000) square feet. Given the size of the parcel (.57 acres) and the
18 zoning classification A-1-1 (Light Agricultural) zone, two hundred (200) square feet of outside
19 storage is allowed. However, no rubbish is allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on February 18, 2009 as Document
23 Number 2009-0076520 in the Office of the County Recorder, County of Riverside.

24 7. On March 14, 2008, Notices of Violation for violation of Riverside County
25 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On March 25, 2008 and June 11,
26 2009, Notice of Violations was mailed to OWNER and INTERESTED PARTIES.

27 8. On October 29, 2009, the "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

1 for November 24, 2009, was mailed by certified mail, return receipt requested, to OWNER and
2 INTERESTED PARTIES and was posted on THE PROPERTY on November 12, 2009.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on January 26, 2009 finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 21377 Nandina Avenue, Perris, Riverside County, California, also
8 identified as Assessor's Parcel Number 295-260-017 violates Riverside County Ordinance Nos. 348
9 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
10 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials
11 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
12 amount of rubbish is allowed to be accumulated on THE PROPERTY.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
14 the premises should abate the condition by removal of all outside storage of materials and removing
15 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
17 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Meridith
25 Cameron, or anyone having possession or control of THE PROPERTY, by removing all of the
26 outside storage of materials in excess of two hundred (200) square feet and removing and disposing
27 of all accumulated rubbish from the subject real property in strict accordance with all Riverside
28 County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter

1 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate
2 Nuisance.

3 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
4 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
5 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)
6 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
7 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
8 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
9 consent or a Court Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
14 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
15 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
16 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
17 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
18 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 Julia Koons Jarvi DATE 2/8/10