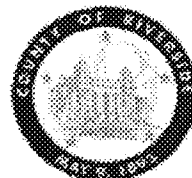


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

917B



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 07-4305 (AJA)
Subject Property: Parcel North of Grand Avenue, Winchester
APN: 461-130-013 & 461-130-014
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4305 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 07-4305; 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 07-4305.

Departmental Concurrence

[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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

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

Case No.: CV 07-4305

Subject Property: Parcel North of Grand Avenue, Winchester

APN: 461-130-013 & 461-130-014

District Three

BACKGROUND:

On January 5, 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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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]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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11	IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 07-4305
12	[EXCESSIVE OUTSIDE STORAGE AND)	
12	ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
13	APN 461-130-013 & 461-130-014, PARCEL)	CONCLUSIONS AND ORDER TO
13	NORTH OF GRAND AVENUE, WINCHESTER,)	ABATE NUISANCE
14	RIVERSIDE COUNTY, CALIFORNIA; ROMAN)	
14	AJA AND MYRNA AJA, OWNERS.)	[R.C.O. Nos. 348 (RCC Chapter 17.16),
15)	541 (RCC Chapter 8.120) and 725
15)	(RCC Title 1)]

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17 The above-captioned matter came on regularly for hearing on January 5, 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 Parcel North of Grand Avenue, Winchester, Riverside County, California and
21 further described as Assessor's Parcel Numbers 461-130-013 and 461-130-014 and referred to
22 hereinafter as "THE PROPERTY."

23 Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owner Roman Aja appeared but did not address the Board of Supervisors.

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 17.16) 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 owners of
5 THE PROPERTY as Roman Aja and Myrna Aja ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Key Bank National Association and Riverside County Tax Collector
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on August 16, 2007,
10 May 14, 2009, July 9, 2009, August 6, 2009, September 21, 2009, December 4, 2009 and January 4,
11 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: green waste, broken concrete, metal, old car parts, wood, construction debris,
15 household goods and miscellaneous debris. The amount of accumulated rubbish and excess outside
16 storage of materials was approximately in excess of two hundred sixty thousand (260,000) square
17 feet. Given the size of the unimproved parcel (19 acres) and the zoning classification (R-R, Rural
18 Residential), no amount of outside storage or rubbish is allowed on THE PROPERTY.

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

21 6. A Notice of Noncompliances were recorded on March 28, 2008 as Document
22 Numbers 2008-0153930 and 2008-0153931 in the Office of the County Recorder, County of
23 Riverside.

24 7. On August 16, 2007, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On September 13, 2007, Notices of Violation
26 were mailed to OWNERS by certified mail, return receipt requested. On December 18, 2007,
27 Notices of Violation were mailed to INTERESTED PARTIES by certified mail, return receipt
28 requested.

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

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

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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]
JULIE A. KOONS JARVI DATE: 2/2/10