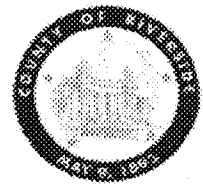


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

913B



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 07-3542 (TOUNGET)
Subject Property: 25097 Jutland Drive, Hemet
APN: 549-382-003
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3542 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 07-3542; 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 07-3542.

[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 Policy

Consent Consent

X Consent Consent

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

Prev. Agn. Ref.: 01/26/10; 9.11 | District: 3 | Agenda Number:

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

Case No.: CV 07-3542

Subject Property: 25097 Jutland Drive, Hemet

APN: 549-382-003

District Three

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:
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:) CASE NO. CV 07-3542
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 549-382-003, 25097 JUTLAND DRIVE,)
17 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
18 CAROL A. TOUNGET, OWNER.) CONCLUSIONS AND ORDER TO
19) ABATE NUISANCE
20) [R.C.O. Nos. 348 (RCC Chapter 17.52),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on January 26, 2010, before the
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
26 property described as 25097 Jutland Drive, Hemet, Riverside County, California and further described
27 as Assessor's Parcel Number 549-382-003 and referred to hereinafter as "THE PROPERTY."

28 Jonathan D. Holub and Lisa Traczyk, Deputies County Counsel, appeared along with Brian
Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement
Department.

Howard Tounget appeared on behalf of Owner and addressed the Board of Supervisors.

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
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.52) 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 Carol A. Tounget ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Stewart Title Company of San Diego, Mountain View Financial, Inc., Southern
8 California Mortgage Exchange, Countrywide Funding Corporation, Bank of New York, SMTD
9 Corporation, Ray Gregg and Pat Gregg, Ditech Funding Corporation, Christiana Bank and Trust
10 Company, Theresa Ann Jones, Secretary of Housing and Urban Development, First American Title
11 Insurance Company, MKF Services, Inc., Citibank South Dakota, N.A., Lake Hemet Municipal
12 Water District, MERS, Exclusive Trustee Services, Inc., and Law Office of Les Zieve
13 ("INTERESTED PARTIES").

14 3. THE PROPERTY was inspected by Code Enforcement Officers on October 17, 2008,
15 May 26, 2009, October 2, 2009, January 12, 2010 and January 25, 2010.

16 4. During each inspection, the outside storage of materials and accumulation of rubbish
17 was observed on THE PROPERTY. The materials and rubbish were intermingled and included but
18 were not limited to: ladders, boxes, crates, tires, building supplies, wiring hoses, wood, tarps, fans,
19 cones, signs, a refrigerator, vehicle parts, shelves, fencing, spools, trash cans, motorized golf carts,
20 mopeds, cycles, off road vehicles, fuel cans, cardboard boxes, signs, coolers, bicycle tires, tools,
21 pipes, barrels, milk crates, chains, stadium bleachers, green waste, household trash and other
22 miscellaneous debris. The officer visually estimated the amount of accumulated rubbish and excess
23 outside storage of materials was approximately eight thousand seven hundred twelve (8,712) square
24 feet. Given the zoning classification R-T (Mobilehome Subdivisions and Mobilehome Park Zones),
25 no amount of outside storage or rubbish is allowed on THE PROPERTY.

26 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
27 Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

28 6. Notices of Noncompliance were recorded on July 27, 2007 and October 21, 2009 as

1 Document Numbers 2007-0487570 and 2009-0543110 in the Office of the County Recorder, County
2 of Riverside.

3 7. On October 17, 2008, Notices of Violation for violation of Riverside County
4 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On October 29, 2008, Notices of
5 Violation were mailed to OWNER by certified mail, return receipt requested. On August 27, 2009,
6 Notices of Violation were mailed to OWNER and INTERESTED PARTIES by certified mail, return
7 receipt requested.

8 8. On December 28, 2009, the "Notice to Correct County Ordinance Violations and
9 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
10 scheduled for January 26, 2010, was mailed by certified mail, return receipt requested, to OWNER
11 and INTERESTED PARTIES and was posted on THE PROPERTY on January 12, 2010.

12 **FINDINGS AND CONCLUSIONS**

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

15 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
16 the real property located at 25097 Jutland Drive, Hemet, Riverside County, California, also identified
17 as Assessor's Parcel Number 549-382-003 violates Riverside County Ordinance Nos. 348 (RCC
18 Chapter 17.52) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
19 County Ordinance No. 348, no amount of outside storage of materials is allowed to be stored on
20 THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to
21 be accumulated on THE PROPERTY.

22 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
23 the premises should abate the condition by removal of all outside storage of materials and removing
24 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
25 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
26 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within ninety (90) days.

27 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
28 which judicial review of the administrative determinations made herein must be sought is ninety (90)

1 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
2 and is governed by California Code of Civil Procedure Section 1094.6.

3 **ORDER TO ABATE NUISANCE**

4 IT IS THEREFORE ORDERED that the excess outside storage of materials and
5 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Carol A.
6 Tounget, or anyone having possession or control of THE PROPERTY, by removing all outside
7 storage of materials and removing and disposing of all accumulated rubbish from the subject real
8 property in strict accordance with all Riverside County Ordinances, including but not limited to
9 Riverside County Ordinance Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within
10 ninety (90) days of the date of this Order to Abate Nuisance.

11 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
12 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
13 County Ordinance Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within ninety (90)
14 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
15 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
16 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
17 consent or a Court Order when necessary under applicable law.

18 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
19 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
20 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
21 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
22 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
23 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
24 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
25 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
26 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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FORM APPROVED COUNTY COUNSEL
BY: Julie A. Kookis Jarvi 2/8/10
DATE

Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)