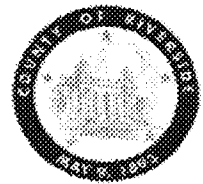


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

305B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 05-0289 (WACKER)  
Subject Property: 38795 Highway 79, Aguanga  
APN: 917-150-007  
District Three

**SUBMITTAL DATE:**  
March 11, 2010

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-0289 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 05-0289; 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 05-0289.

\_\_\_\_\_  
JULIE A. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

County Executive Office Signature

- Dep't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

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

Case No.: CV 05-0289

Subject Property: 38795 Highway 79, Aguanga

APN: 917-150-007

District Three

**BACKGROUND:**

On February 23, 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 A. 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 05-0289  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
16 APN 917-150-007 38795 HIGHWAY 79, ) CONCLUSIONS AND ORDER TO  
17 AGUANGA, RIVERSIDE COUNTY, ) ABATE NUISANCE  
18 CALIFORNIA; THE WACKER CHILDREN )  
19 INVESTMENT CORP., OWNER. ) [R.C.O. Nos. 348 (RCC Chapter 17.16),  
20 ) 541 (RCC Chapter 8.120) and 725  
21 ) (RCC Title 1)]  
22 )

23 The above-captioned matter came on regularly for hearing on February 23, 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 38795 Highway 79, Aguanga, Riverside County, California and further  
27 described as Assessor's Parcel Number 917-150-007 and referred to hereinafter as "THE  
28 PROPERTY."

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

31 No one appeared on behalf of Owner.

32 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
33 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
34 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 owner of  
5 THE PROPERTY as The Wacker Children Investment Corp., ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to wit: The Law Officer of Yvonne Baner, Robert Spitz, Esq., Peter D. Collisson, Esq.,  
8 and George Uribe ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on February 2, 2009,  
10 March 25, 2009, April 29, 2009, June 8, 2009, July 27, 2009, September 8, 2009 and January 15,  
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: scrap wood, plastic, mattresses, cardboard, tarps, hoses, bicycle frames, tires,  
15 scrap metal, pipes, railroad ties and miscellaneous trash and debris. The officer measured the area  
16 using a measuring wheel and determined the amount of accumulated rubbish and excess outside  
17 storage of materials was approximately seventeen thousand four (17,004) square feet. Given the size  
18 of the unimproved parcel (80 acres) and the zoning classification (R-R, Rural Residential), no amount  
19 of outside storage or 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 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on March 9, 2009, as Document Number  
23 2009-0111197 in the Office of the County Recorder, County of Riverside.

24 7. On February 2, 2009, Notices of Violation for violation of Riverside County  
25 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On February 9, 2009, April 3, 2009  
26 and August 5, 2009, Notice of Violations was mailed by certified mail, return receipt requested to  
27 OWNER and INTERESTED PARTIES.

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1 8. On January 14, 2010, the "Notice to Correct County Ordinance Violations and Abate  
2 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
3 for February 23, 2010, was mailed by certified mail, return receipt requested, to OWNER and  
4 INTERESTED PARTIES and was posted on THE PROPERTY on January 15, 2010.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
7 regular session assembled on February 23, 2010, finds and concludes that:

8 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
9 the real property located at 38795 Highway 79, Aguanga, Riverside County, California, also  
10 identified as Assessor's Parcel Number 917-150-007 violates Riverside County Ordinance Nos. 348  
11 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
12 Riverside County Ordinance No. 348, due to the parcel being unimproved no amount of outside  
13 storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County  
14 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

15 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
16 the premises should abate the condition by removal of all outside storage of materials and removing  
17 and disposing of all accumulated rubbish from the subject real property in strict accordance with all  
18 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
19 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
26 accumulation of rubbish on THE PROPERTY be abated by the OWNER, The Wacker Children  
27 Investment Corp., or anyone having possession or control of THE PROPERTY, by removing all of  
28 the outside storage of materials and removing and disposing of all accumulated rubbish from the

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

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
14 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
15 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
16 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
17 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
18 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
19 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]* 3/8/10  
JIMIE A. KOONS JARVI DATE