

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

411B



SUBMITTAL DATE:
March 25, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage]

Case No.: CV 08-02323

Subject Property: 6230 Morton Avenue, Riverside; APN: 163-152-011
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02323 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 08-02323; 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 08-02323.

BACKGROUND:

On March 16, 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 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.

[Signature]

JULIE A. 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

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

Prev. Agn. Ref.: 03/16/10; 9.2

District: 2

Agenda Number:

2.13

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie A. 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 08-02323
[EXCESSIVE OUTSIDE STORAGE]; APN 163-)
12 152-011, 6230 MORTON AVENUE, RIVERSIDE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 CHARLES A. CAREY AND BENSHERRY D.) ABATE NUISANCE
CAREY, OWNERS.)
14) [R.C.O. Nos.348 and 725
15) R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on March 16, 2010, before the Board of
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as
19 6230 Morton Avenue, Riverside, Riverside County, APN: 163-152-011 and referred to hereinafter as
20 "THE PROPERTY."

21 Julie A. Jarvi, Deputy County Counsel, appeared along with Brian Black, Senior Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner's son appeared on his behalf and addressed the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Charles A. Carey and Bensherry D. Carey ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that no other parties potentially
5 hold a legal interest in THE PROPERTY.

6 3. THE PROPERTY has been inspected by Code Enforcement Officers on April 23, 2008,
7 June 4, 2008, October 2, 2008, November 25, 2008, February 24, 2009, April 22, 2009, June 15, 2009,
8 July 20, 2009, November 9, 2009, February 10, 2010 and March 12, 2010.

9 4. During each inspection, outside storage of materials in excess of 200 square feet were
10 observed on THE PROPERTY. The materials included but were not limited to: lumber, auto parts,
11 appliances, pipe, drums, machinery, furniture, building materials, work tools, and other miscellaneous
12 items. The total area of excess outside storage of materials was approximately two thousand (2,000)
13 square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
15 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on June 26, 2008 as Document Number 2008-
17 0350652 in the Office of the County Recorder, County of Riverside.

18 7. On April 23, 2008, a Notice of Violation was posted on THE PROPERTY. On April 28,
19 2008, a Notice of Violation was mailed to the OWNERS by certified mail, return receipt requested.

20 8. On February 10, 2010, a "Notice to Abate Nuisance" providing notice of the public
21 hearing before the Board of Supervisors on March 16, 2010, was mailed by certified mail, return receipt
22 requested, to the OWNERS and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on March 16, 2010, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials on the real property located at 6230
27 Morton Avenue, Riverside, Riverside County, California, also identified as Assessor's Parcel Number
28 163-152-011 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

1 Department will be recoverable from the property owner(s) even if the property is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3
4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
Marion Ashley
Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11 By _____

12 Deputy

13 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY *JULIE A. KOONS-JARVA* 3/23/10
DATE