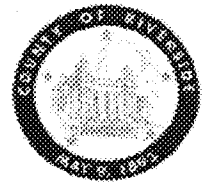


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

714B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
April 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage]  
Case No.: CV08-06669 (SEE)  
Subject Property: 39255 Sage Road, Hemet, APN: 571-120-008  
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV08-06669 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. CV08-06669; 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. CV08-06669.

BACKGROUND:

On April 6, 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.

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 ☐  
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:   
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 04/06/10; 9.3

District: 3

Agenda Number:

2.12

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 08-06669  
[EXCESSIVE OUTSIDE STORAGE]; APN 571- )  
12 120-008, 39255 SAGE ROAD, HEMET, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; JESSICA ) CONCLUSIONS AND ORDER TO  
13 LOUISE SEE, OWNER. ) ABATE NUISANCE  
14 )  
15 ) [R.C.O. Nos.348 and 725  
R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on April 6, 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 39255 Sage Road, Hemet, Riverside County, APN: 571-120-008 and referred to hereinafter as "THE  
20 PROPERTY."

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

23 Jessica Louise See appeared but did not address the Board of Supervisors. A friend of the family  
24 addressed the Board of Supervisors.

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

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE  
3 PROPERTY as Jessica Louise See (hereinafter referred to as "OWNER").

4 2. Documents of title at the time of the inspection indicated that other parties potentially hold  
5 a legal interest in THE PROPERTY, to wit: Mary Woolsey and Gregory Rizio, Esq (hereinafter referred  
6 to as "INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on July 31, 2008,  
8 August 6, 2008, February 24, 2009, June 1, 2009, August 3, 2009, October 19, 2009, November 12, 2009,  
9 November 30, 2009, March 2, 2010 and April 2, 2010.

10 4. During each inspection, outside storage of materials was observed on THE PROPERTY.  
11 The materials included but were not limited to: scrap wood, firewood, household items, furniture,  
12 building materials, fencing, construction materials and appliances. The total area of excess outside  
13 storage of materials was in excess of four hundred (400) 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 March 9, 2009 as Document Number 2009-  
17 0111185 in the Office of the County Recorder, County of Riverside.

18 7. On July 31, 2008, a Notice of Violation was posted on THE PROPERTY. On June 1,  
19 2009, a Notice of Violation was mailed to the OWNER and INTERESTED PARTIES by certified mail,  
20 return receipt requested.

21 8. On March 1, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing  
22 before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt requested,  
23 to OWNER and INTERESTED PARTIES and was posted on March 2, 2010.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on April 6, 2010, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials on the real property located at  
28 39255 Sage Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 571-

1 120-008 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

2 2. WHEREAS, the OWNER, occupants or any person having possession or control of the  
3 premises should abate the condition by removing and disposing of the excess outside storage of materials  
4 from the subject real property in strict accordance with all Riverside County Ordinances, including but not  
5 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this  
6 order.

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY  
13 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and  
14 disposing of the outside excess storage of materials from the subject real property in strict accordance  
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348  
16 within ninety (90) days of the posting or mailing of this order.

17 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
18 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
19 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of  
20 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a  
21 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
22 necessary under applicable law.

23 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall  
24 be imposed as a lien on the property, which may be collected as a special assessment against the property  
25 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and  
26 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably  
27 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but  
28 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the

costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Department will be recoverable from the property owner(s) even if the property is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By \_\_\_\_\_  
Deputy  
(SEAL)