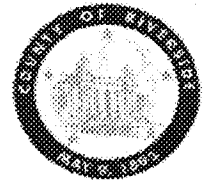


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

710B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
April, 20, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulation of Rubbish]  
Case Nos.: CV 09-02053 & CV 09-03445 (LOPES)  
Subject Property: 26725 El Toro Road, Lake Elsinore  
APN: 346-110-014  
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-02053 & CV 09-03445 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 Nos. CV 09-02053 & CV 09-03445; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-02053 & CV 09-03445.

  
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

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

Prev. Agn. Ref.: 04/06/10; 9.7

District: 5

Agenda Number:

2.19

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

Case Nos.: CV 09-02053 & CV 09-03445

Subject Property: 26725 El Toro Road, Lake Elsinore

APN: 346-110-014

District Five

**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 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)

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 NOS. CV 09-02053 &  
[EXCESSIVE OUTSIDE STORAGE AND ) CV 09-03445  
12 ACCUMULATION OF RUBBISH]; )  
APN 346-110-014, 26725 EL TORO ROAD, ) FINDINGS OF FACT,  
13 LAKE ELSINORE, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; JUAN CARLOS LOPES, OWNER. ) ABATE NUISANCE  
14 )  
15 ) [R.C.O. Nos. 348 (RCC Chapter 17.16),  
541 (RCC Chapter 8.120) and 725  
16 ) (RCC Title 1)]

17  
18 The above-captioned matter came on regularly for hearing on April 6, 2010, before the Board  
19 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
20 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
21 described as 26725 El Toro Road, Lake Elsinore, Riverside County, California and further described  
22 as Assessor's Parcel Number 346-110-014 and referred to hereinafter as "THE PROPERTY."

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

25 No one appeared on behalf of owner.

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 owner of  
5 THE PROPERTY as Juan Carlos Lopes ("OWNER").

6 2. Documents of title indicate that other parties may potentially holds a legal interest in  
7 THE PROPERTY, to wit: Chicago Title Company, FISERV ISS & Co., Wizard Financial, Inc.,  
8 Orange County District Attorney, San Diego District Attorney, Ventura County Department of Child  
9 Support Services, Internal revenue Service, Franchise Tax Board, Dean R. Prober, Esq., Riverside  
10 County Superior Court – Financial Services Division, Eskanos & Adler, P.C., Pacific Credit  
11 Exchange, BLF Financial Services, a Corp., State of California Employment Development  
12 Department, Legal Recovery Law Offices, Inc., and the Cathedral City Fire Department (hereinafter  
13 referred to as "INTERESTED PARTIES").

14 3. THE PROPERTY was inspected by Code Enforcement Officers on April 18, 2009,  
15 July 7, 2009, September 23, 2009, March 4, 2010, and April 2, 2010.

16 4. During each inspection, the outside storage of materials and accumulation of rubbish  
17 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
18 were not limited to: industrial heavy machinery, discarded furniture and appliances, discarded office  
19 equipment, scrap metal, scrap plastic, scrap wood, vegetative waste, 55 gallon drums, tiles, columns,  
20 concrete, water tanks, in excess of 200 plastic bottles, discarded toys, discarded bicycles, rusty golf  
21 cart, old tires, cardboard, electronics, a Port-a-Potty, and miscellaneous trash and debris. The officer  
22 visually estimated the amount of accumulated rubbish and excess outside storage of materials was  
23 approximately fifty six thousand (56,000) square feet. Given the size of the parcel (4.22 acres) and  
24 the zoning classification (R-R, Rural Residential), two hundred (200) square feet of outside storage  
25 and no amount of 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 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

28 6. A Notice of Noncompliance was recorded on July 23, 2009, as Document Number

1 2009-0383848 in the Office of the County Recorder, County of Riverside.

2 7. On July 7, 2009, Notices of Violation for violation of Riverside County Ordinance  
3 Nos. 348 and 541 were posted on THE PROPERTY. On July 13 and 14, 2009, Notices of Violation  
4 were mailed to OWNER by certified mail, return receipt requested. On September 3, 2009, Notices  
5 of Violation were mailed to INTERESTED PARTIES by certified mail, return receipt requested.

6 8. On March 1, 2010, the "Notice to Correct County Ordinance Violations and Abate  
7 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
8 for April 6, 2010, was mailed by certified mail, return receipt requested, to OWNER and  
9 INTERESTED PARTIES and was posted on THE PROPERTY on March 4, 2010.

#### 10 **FINDINGS AND CONCLUSIONS**

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

13 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
14 the real property located at 26725 El Toro Road, Lake Elsinore, Riverside County, California, also  
15 identified as Assessor's Parcel Number 346-110-014 violates Riverside County Ordinance Nos. 348  
16 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
17 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials  
18 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no  
19 amount of rubbish is allowed to be accumulated on THE PROPERTY.

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

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

1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
3 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Juan Carlos  
4 Lopes, or anyone having possession or control of THE PROPERTY, by removing all of the outside  
5 storage of materials in excess of two hundred (200) square feet and removing and disposing of all  
6 accumulated rubbish from the subject real property in strict accordance with all Riverside County  
7 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)  
8 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
19 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
20 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
21 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
22 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
23 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
24 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

25 ///

26 ///

27 ///

28 ///

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)

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE: 4/13/10