

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

521B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage];
Case No.: CV 08-02877; WAHLERT
Subject Property: 26550 Cortrite Avenue, Hemet; APN: 458-280-001
District Three

SUBMITTAL DATE:
April 8, 2010

Departmental Concurrence

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials on the real property located at 26550 Cortrite Avenue, Hemet, Riverside County, California, APN: 458-280-001 be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.16).
2. Russell B. Wahlert and Gwyndolyn E. Wahlert, the owners of the subject real property, be directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.

(Continued)

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

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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:
Tina Grande

County Executive Office Signature

Consent X Policy
 Consent Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 3 | Agenda Number:

3. If the owners of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing the same from the real property.
4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials on the real property is declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare and Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on April 25, 2009.
2. The inspection revealed the excess outside storage of materials or junkyard on the subject property in violation of Riverside County Ordinance No. 348. The items included but were not limited to: commercial truck tires, water tanks, concrete, wood, and miscellaneous items. The amount of outside storage was determined to be twenty-six thousand eight hundred eighty (26,880) square feet.
3. Subsequent re-inspections of the above-described real property on August 11, 2009, September 28, 2009, November 4, 2009, December 4, 2009, December 15, 2009 and February 25, 2010, revealed that the property continued to be in violation of Riverside County Ordinance No. 348.
4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for the removal of excess outside storage.