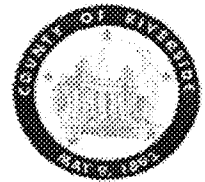


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

904B



SUBMITTAL DATE:
May 26, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-02706 (VALDEZ)
Subject Property: One Parcel South of 17165 Cole Street, Riverside
APN: 266-200-006
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02706 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 08-02706; 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 08-02706.

L. Alexandra Fong
L. ALEXANDRA FONG, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

Consent Policy
 Consent Policy

Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 05/18/10; 9.1 District: 1 Agenda Number:

2.11

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

Case No.: CV 08-02706

Subject Property: One Parcel South of 17165 Cole Street, Riverside

APN: 266-200-006

District One

BACKGROUND:

On May 18, 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 L. Alexandra Fong, 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 08-02706
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 266-200-006, ONE PARCEL SOUTH OF)
17 17165 COLE STREET, RIVERSIDE, RIVERSIDE)
18 COUNTY, CALIFORNIA; DANIEL J. VALDEZ,)
19 OWNER.)
20 [R.C.O. Nos. 348 (RCC Chapter
21 17.120), 541 (RCC Chapter 8.120) and
22 725 (RCC Title 1)]
23

24 The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board
25 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
26 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
27 described as One Parcel South of 17165 Cole Street, Riverside, Riverside County, California and
28 further described as Assessor's Parcel Number 266-200-006 and referred to hereinafter as "THE
PROPERTY."

L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner did not appear. A member of the public, Robert Mabee, appeared and addressed the
Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
3 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner of
7 THE PROPERTY as Daniel J. Valdez ("OWNER").

8 2. Documents of title indicate that another party potentially holds a legal interest in THE
9 PROPERTY, to wit: T.D. Service Company ("INTERESTED PARTY").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 12, 2009,
11 September 22, 2009, December 29, 2009, March 16, 2010 and May 17, 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: lawn furniture, cut tree branches, tires, windows, paint, fuel containers, scrap
15 wood, scrap metal, broken concrete and other miscellaneous items. Given that the parcel is
16 unimproved, no amount of outside storage or rubbish is allowed on THE PROPERTY.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on November 5, 2009, as Document
20 Number 2009-0574506 in the Office of the County Recorder, County of Riverside.

21 7. On August 12, 2009, Notices of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On August 21, 2009, a Notice of Violations
23 was mailed to OWNER and on October 29, 2009, a Notice of Violations was mailed to
24 INTERESTED PARTY by certified mail, return receipt requested.

25 8. On March 15, 2010, the "Notice to Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
27 for May 18, 2010, was mailed by certified mail, return receipt requested, to OWNER and
28 INTERESTED PARTY and was posted on THE PROPERTY on March 16, 2010.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on May 18, 2010, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at One Parcel South of 17165 Cole Street, Riverside, Riverside County,
6 California, also identified as Assessor's Parcel Number 266-200-006 violates Riverside County
7 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public
8 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
9 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
10 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
11 PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
13 the premises should abate the condition by removal of all outside storage of materials and removing
14 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
16 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Daniel J.
24 Valdez, or anyone having possession or control of THE PROPERTY, by removing all of the outside
25 storage of materials and removing and disposing of all accumulated rubbish from the subject real
26 property in strict accordance with all Riverside County Ordinances, including but not limited to
27 Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within
28 ninety (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)
4 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
5 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
6 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
7 consent or a Court Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
12 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
13 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
14 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
15 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
16 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: *L. Alexandra Fong* 0/30/10 DATE
L. ALEXANDRA FONG