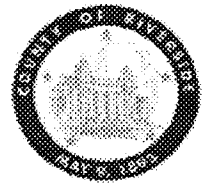


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

1086



SUBMITTAL DATE:
June 3, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-07773 & CV 09-03719 (BOULANGER)
Subject Property: 18480 Mermac Road, Lake Elsinore
APN: 347-040-043
District Five

Departmental Concurrence

- RECOMMENDED MOTION:** Move that
- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-07773 & CV 09-03719 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 08-07773 & CV 09-03719; 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 08-07773 & CV 09-03719.

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

Policy
 Consent
 Policy
 Consent

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

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

Case Nos.: CV 08-07773 & CV 09-03719

Subject Property: 18480 Mermac Road, Lake Elsinore

APN: 347-040-043

District Five

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 08-07773&
14 [EXCESSIVE OUTSIDE STORAGE AND) CV 09-03719
15 ACCUMULATION OF RUBBISH];)
16 APN 347-040-043, 18480 MERMAC ROAD,) FINDINGS OF FACT,
17 LAKE ELSINORE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
18 CALIFORNIA; MARIE B. BOULANGER,) ABATE NUISANCE
19 OWNER.)
20) [R.C.O. Nos. 348 (RCC Chapter 17.44),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board
24 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
25 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
26 described as 18480 Mermac Road, Lake Elsinore, Riverside County, California and further described
27 as Assessor's Parcel Number 347-040-043 and referred to hereinafter as "THE PROPERTY."

28 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.

No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.32) 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 Marie B. Boulanger ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: MERS, Financial Freedom Senior Funding Corporation and Riverside County
8 Redevelopment Agency (hereinafter collectively referred to as "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on May 26, 2009,
10 June 24, 2009, August 4, 2009, September 21, 2009, December 21, 2009, March 18, 2010 and May
11 14, 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: discarded appliances, screen doors, patio furniture, dressers, shelving, cases,
15 plastic storage tubs, yard tools & equipment, mattresses, linens, blankets, sleeping bags, clothes,
16 lamps, toilets, sinks, antennae, scrap wood and metal, and other miscellaneous trash and debris. The
17 officer measured the area and determined the amount of accumulated rubbish and excess outside
18 storage was approximately one thousand seven hundred forty-six (1,746) square feet. Given the size
19 of the parcel (1.16 acres) and the zoning classification (R-A, Residential Agricultural), two hundred
20 (200) square feet of outside storage and no amount of rubbish is allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. A Notice of Noncompliance was recorded on August 25, 2009, as Document Number
24 2009-0443816 in the Office of the County Recorder, County of Riverside.

25 7. On May 26, 2009, Notices of Violation for violation of Riverside County Ordinance
26 Nos. 348 and 541 were posted on THE PROPERTY. On May 29, 2009, Notices of Violations were
27 mailed to OWNER and on October 5, 2009, Notices of Violation were mailed to OWNER and
28 INTERESTED PARTIES by certified mail, return receipt requested.

1 materials in excess of two hundred (200) square feet and removing and disposing of all accumulated
2 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541
4 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
6 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
7 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90)
8 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
9 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
10 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
11 consent or a Court Order when necessary under applicable law.

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

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