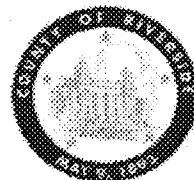


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

610B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
July 15, 2010

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 09-11404 (CHRISTENSEN)  
Subject Property: 39533 Calle Anita, Temecula  
APN: 941-190-035  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-11404 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 09-11404; 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 09-11404.

*L.A. Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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
- Policy
- Consent
- Consent

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

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

Case No.: CV 09-11404

Subject Property: 39533 Calle Anita, Temecula

APN: 941-190-035

District Three

**BACKGROUND:**

On June 22, 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 09-11404  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; )  
16 APN 941-190-035, 39533 CALLE ANITA, )  
17 TEMECULA, RIVERSIDE COUNTY, )  
18 CALIFORNIA; ELLEN S. CHRISTENSEN, )  
19 OWNER. )  
20 [R.C.O. Nos. 348 (RCC Chapter 17.32),  
21 541 (RCC Chapter 8.120) and 725  
22 (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on June 22, 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 39533 Calle Anita, Temecula, Riverside County, California and further described as  
27 Assessor's Parcel Number 941-190-035 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.

Dan Matrisciano appeared on behalf of owner and addressed the Board of Supervisors.

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  
County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) and as a public

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
4 THE PROPERTY as Ellen S. Christensen ("OWNER").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Wells Fargo Bank, N.A. and Chicago Title Insurance Company  
7 (collectively referred to as "INTERESTED PARTIES"). THE PROPERTY is also occupied by  
8 Daniel Matrisciano ("OCCUPANT").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 21, 2009,  
10 December 1, 2009, May 4, 2010 and June 17, 2010.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: metal, boxes, plastics and wood. The officer measured the amount of  
14 accumulated rubbish and excess outside storage of materials and determined the amount was  
15 approximately one thousand six hundred fifty four (1,654) square feet. Given the size of the parcel  
16 (4.6 acres) and the zoning classification (R-A-5), two hundred (200) square feet of outside storage  
17 and no amount of rubbish is allowed on THE PROPERTY.

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

20 6. A Notice of Noncompliance was recorded on November 4, 2009 as Document  
21 Number 2009-0572660 in the Office of the County Recorder, County of Riverside.

22 7. On October 21, 2009, Notices of Violation for violation of Riverside County  
23 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On October 27, 2009, Notice of  
24 Violations was mailed to OWNER, OCCUPANT and INTERESTED PARTIES by certified mail,  
25 return receipt requested.

26 8. On May 3, 2010, the "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for June 22, 2010, was mailed by certified mail, return receipt requested, to OWNER, OCCUPANT

1 and INTERESTED PARTIES and was posted on THE PROPERTY on May 4, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on June 22, 2010, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at 39533 Calle Anita, Temecula, Riverside County, California, also identified  
7 as Assessor's Parcel Number 941-190-035 violates Riverside County Ordinance Nos. 348 (RCC  
8 Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside  
9 County Ordinance No. 348, two hundred (200) square feet of outside storage of materials is allowed  
10 to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of  
11 rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
13 the premises shall abate the condition by removal of all outside storage of materials and removing and  
14 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 17.32) 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 Ellen S.  
24 Christensen, or anyone having possession or control of THE PROPERTY, by removing all of the  
25 outside storage of materials in excess of two hundred (200) square feet and removing and disposing  
26 of all accumulated rubbish from the subject real property in strict accordance with all Riverside  
27 County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter  
28 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate

1 Nuisance.

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

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

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FORM APPROVED COUNTY COUNSEL  
BY: [Signature] 7/13/10  
L. ALEXANDRA FONG DATE

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)