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



FR	OM:	County	/ Counse	IT\I	MA
	VIII.	Count	, Oudile	71/ I L	.171/

Code Enforcement Department

SUBMITTAL DATE: July 29, 2010

Departmental Concurrence

Policy

Consent

Policy

Consent

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SUBJECT: Order to Abate [Shipping Containers]

Case No.: CV 09-06649 (CASSINI)

Subject Property: 1 Parcel South of 28384 Winchester Rd., Winchester

District: 3; APN: 463-117-007

RECOMMENDED MOTION: Move that:

- 1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06649 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 09-06649; 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 09-06649.

MAL

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(Continued)		L. ALEXANDRA FONG, Deputy County Counsel			
		for PAMELA WALLS, County Counsel			
FINANCIAL	Current F.Y. Total Cost:	\$ N/A	In Current Year Bud	lget: N/A	
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment	: N/A	
DATA	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			
County Ever	cutive Office Signature	BY W	Showed	- ·	
County Exer	cutive Office Signature	Tina Gra	inae (\		
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Dep't Recomm.: Exec. Ofc.:

Prev. Agn. Ref.: 06/29/10; 9.5 | District: 3

Agenda Number:

Abatement of Public Nuisance Case No. CV 09-06649; CASSINI 1 Parcel South of 28384 Winchester Rd., Winchester Page 2

BACKGROUND:

On June 29, 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 shipping containers located 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 of the 2 Board of Supervisors (Stop #1010) 3 4 5 WHEN RECORDED PLEASE MAIL TO: L. Alexandra Fong, 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 COUNTY OF RIVERSIDE** 10 11 IN RE ABATEMENT OF PUBLIC NUISANCE: CASE NO. CV 09-06649 [SHIPPING CONTAINERS], APN 463-117-007, 1) 12 PARCEL SOUTH OF 28384 WINCHESTER FINDINGS OF FACT, ROAD, WINCHESTER, RIVERSIDE COUNTY. CONCLUSIONS AND ORDER TO 13 CALIFORNIA; RONALD CASSINI, OWNER. ABATE NUISANCE 14 [R.C.O. Nos.348 and 725 R.C.C. Title 17 and 1] 15 16 The above-captioned matter came on regularly for hearing on June 29, 2010, before the Board of 17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County 18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 19 1 Parcel South of 28384 Winchester Road, Winchester, Riverside County, APN: 463-117-007 and 20 referred to hereinafter as "THE PROPERTY." 21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising Code 22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department. 23 Owner appeared and addressed the Board of Supervisors. 24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with 25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of 26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance. 27 111 28 Findings of Fact, Conclusions and 1 Order to Abate

SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Ronald Cassini ("OWNER").
- 2. Documents of title at the time of the inspection indicated that another party potentially holds a legal interest in THE PROPERTY, to wit: Stirling Trustee Corporation ("INTERESTED PARTY").
- 3. THE PROPERTY has been inspected by Code Enforcement Officers and/or Code Enforcement Technicians on September 21, 2009, October 26, 2009, October 27, 2009, November 24, 2009, December 2, 2009, January 25, 2010, June 11, 2010 and June 26, 2010.
- 4. During each inspection, two metal shipping containers were observed on THE PROPERTY.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 348 (Riverside County Code Title 17) by the Code Enforcement Officer.
- 6. A Notice of Noncompliance was recorded on October 21, 2009 as Document Number 2009-0543117 in the Office of the County Recorder, County of Riverside.
- 7. On September 21, 2009, a Notice of Violation was posted on THE PROPERTY. On September 28, 2009, a Notice of Violation was mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested.
- 8. On June 10, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing before the Board of Supervisors on June 29, 2010 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on June 11, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on June 29, 2010, finds and concludes that:

1. WHEREAS, the two metal shipping containers on the real property located at 1 Parcel South of 28384 Winchester Road, Winchester, Riverside County, California, also identified as Assessor's Parcel Number 463-117-007 violates Riverside County Ordinance No. 348 and constitutes a public nuisance.

2. WHEREAS, the OWNER, occupants or any person having possession or control of the premises shall abate the condition by removing and disposing of the two metal shipping containers from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

3. WHEREAS, THE OWNER AND INTERESTED PARTY ARE FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order to Abate Nuisance, and is governed by <u>California Code of Civil Procedure</u> Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the two metal shipping containers on THE PROPERTY be abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of the two metal shipping containers from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

IT IS FURTHER ORDERED that if the two metal shipping containers are not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348, within ninety (90) days of the date of this Order, the two metal shipping containers shall be abated by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under applicable law.

It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on the property, which may be collected as a special assessment against the property pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by

	1	1 the Department will be recoverable from the property owner(s) even if the property is brough						
	2	compliance within ninety (90) days of the date of this Order to Abate Nuisance.						
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FORM APPROVED COUNTY COUNSEL BY: TAKE XANDRA FONG TO DATE	5	Dated:	COUNTY OF RIVERSIDE					
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	7		Ву					
)ATE ∞		Marion Ashley Chairman, Board of Supervisors					
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	10	ATTEST:						
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	RA 12	KECIA HARPER-IHEM						
		Clerk to the Board						
	MCEX 14							
	<u>3</u> 15							
	16	By						
	17	Deputy						
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Findings of Fact, Conclusions and Order to Abate