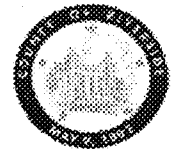


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

716B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 29, 2010

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.

Departmental Concurrence

(Continued)

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

County Executive Office Signature

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------|
| <input type="checkbox"/> | Policy | <input type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Consent |

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

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
15) R.C.C. Title 17 and 1]

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 ///

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE
3 PROPERTY as Ronald Cassini ("OWNER").

4 2. Documents of title at the time of the inspection indicated that another party potentially
5 holds a legal interest in THE PROPERTY, to wit: Stirling Trustee Corporation ("INTERESTED
6 PARTY").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers and/or Code
8 Enforcement Technicians on September 21, 2009, October 26, 2009, October 27, 2009, November 24,
9 2009, December 2, 2009, January 25, 2010, June 11, 2010 and June 26, 2010.

10 4. During each inspection, two metal shipping containers were observed on THE
11 PROPERTY.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
13 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded on October 21, 2009 as Document Number
15 2009-0543117 in the Office of the County Recorder, County of Riverside.

16 7. On September 21, 2009, a Notice of Violation was posted on THE PROPERTY. On
17 September 28, 2009, a Notice of Violation was mailed to OWNER and INTERESTED PARTY by
18 certified mail, return receipt requested.

19 8. On June 10, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
20 before the Board of Supervisors on June 29, 2010 was mailed by certified mail, return receipt requested,
21 to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on June 11, 2010.

22 **FINDINGS AND CONCLUSIONS**

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

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

FORM APPROVED COUNTY COUNSEL

BY: 7/22/10 DATE

BY: L. ALEXANDRA FONG DATE

1 the Department will be recoverable from the property owner(s) even if the property is brought into
2 compliance within ninety (90) days of the date of 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)