

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

412B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
October 6, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-06745 (HUTTON)
Subject Property: 3 Parcels South of 32225 Meadow Blossom Rd., Nuevo
APN: 425-190-018; District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06745 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 09-06745; 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 09-06745.

(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

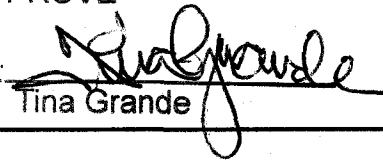
SOURCE OF FUNDS:

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

Dep't Recomm.: ☒ Consent ☐ Policy
Per Exec. Ofc.: ☒ Consent ☐ Policy

Order to Abate
Case No. CV 09-06745; HUTTON
3 Parcels South of 32225 Meadow Blossom Rd., Nuevo
Page 2

BACKGROUND:

On September 28, 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 accumulated rubbish 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 Findings of Fact, Conclusions 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

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-06745
15 [EXCESSIVE OUTSIDE STORAGE AND)
16 ACCUMULATION OF RUBBISH];)
17 APN 425-190-018, 3 PARCELS SOUTH OF 32225) FINDINGS OF FACT,
18 MEADOW BLOSSOM ROAD, NUEVO,) CONCLUSIONS AND ORDER TO
19 RIVERSIDE COUNTY, CALIFORNIA; COLIN) ABATE NUISANCE
20 HUTTON AND SUSAN A. HUTTON, OWNERS.) [R.C.O. Nos. 348 (RCC Chapter 17.32),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]
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24 The above-captioned matter came on regularly for hearing on September 28, 2010, before the
25 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
26 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
27 property described as 3 Parcels South of 32225 Meadow Blossom Road, Nuevo, Riverside County,
28 California and further described as Assessor's Parcel Number 425-190-018 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.

No one appeared on behalf of Owners.

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 owners of
5 THE PROPERTY as Colin Hutton and Susan A. Hutton ("OWNERS").

6 2. Documents of title indicate that another party may potentially hold a legal interest in
7 THE PROPERTY, to wit: CMRE Financial Services, Inc. ("INTERESTED PARTY").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on January 6, 2010,
9 February 10, 2010, February 19, 2010, March 9, 2010, May 4, 2010, July 16, 2010 and September
10 23, 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: equipment, a utility cart, used and discarded lumber, pallets, tires, and other
14 miscellaneous items and debris. The amount of accumulated rubbish and excess outside storage of
15 materials was approximately nine hundred forty-five (945) square feet. Given the size of the
16 unimproved parcel (1.55 acres) and the zoning classification (R-A1, Rural Agricultural), no amount
17 of outside storage or 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 January 22, 2010 as Document Number
21 2010-0026858 in the Office of the County Recorder, County of Riverside.

22 7. On January 6, 2010 and March 9, 2010, Notices of Violation for violation of Riverside
23 County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On January 7, 2010, a
24 Notice of Violation was mailed to OWNERS by certified mail, return receipt requested. On March 4,
25 2010, Notices of Violation were mailed to OWNERS and INTERESTED PARTY by certified mail,
26 return receipt requested.

27 8. On July 14, 2010, the "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

1 for September 28, 2010, was mailed by certified mail, return receipt requested, to OWNERS and
2 INTERESTED PARTY and was posted on THE PROPERTY on July 20, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on September 28, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 3 Parcels South of 32225 Meadow Blossom Road, Nuevo, Riverside
8 County, California, also identified as Assessor's Parcel Number 425-190-018 violates Riverside
9 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a
10 public nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
11 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
12 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
13 PROPERTY.

14 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
15 of the premises shall abate the condition by removal of all outside storage of materials and removing
16 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
17 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
18 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Colin Hutton
26 and Susan A. Hutton, or anyone having possession or control of THE PROPERTY, by removing all
27 of the outside storage of materials and removing and disposing of all accumulated rubbish from the
28 subject real property in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120)
2 within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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FORM APPROVED COUNTY COUNSEL
BY: 10/5/10 DATE
L. ALEXANDRA FONG

owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)