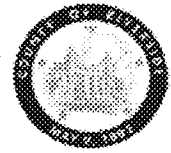


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

128B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No: CV 04-2611 [ALMEJO]
Subject Property: 32393 Thompson Road, Winchester; APN: 964-010-010
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-2611 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 04-2611; 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 04-2611.

Departmental Concurrence

L. Alexandra Fong

(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: *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

- Consent
- Policy
- Consent
- Policy

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

Abatement of Public Nuisance
Case No. CV04-2611 [ALMEJO]
32393 Thompson Road, Winchester
Page 2

BACKGROUND:

On December 7, 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 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, Suite 500 (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 04-2611
[EXCESSIVE OUTSIDE STORAGE]; APN 964-)
12 010-010, 32393 THOMPSON ROAD,) FINDINGS OF FACT,
WINCHESTER, COUNTY OF RIVERSIDE,) CONCLUSIONS AND ORDER TO
13 STATE OF CALIFORNIA; RICARDO ALMEJO) ABATE NUISANCE
AND ABDULIA ALMEJO, OWNERS.)
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 December 7, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 32393 Thompson Road, Winchester, County of Riverside, State of California, APN: 964-
20 010-010 and 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 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive outside storage of materials on THE PROPERTY as
26 violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public
27 nuisance.

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Ricardo Almejo and Obdulia Almejo ("OWNERS").

2. Documents of title at the time of the inspection indicated that other parties potentially hold a legal interest in THE PROPERTY, to wit: Ronald Pourroy, Maddalena and Daniel Davis, Jose and Helga Sanchez, The Lenna G. Davis Family Limited Partnership and Eastern Municipal Water District ("INTERESTED PARTIES").

3. THE PROPERTY has been inspected by Code Enforcement Officers on November 17, 2009, December 31, 2009, February 3, 2010, March 5, 2010, April 2, 2010, November 12, 2010 and December 2, 2010.

4. During each inspection, outside storage of materials in excess of 200 square feet were observed on THE PROPERTY. The materials included but were not limited to: a 12 x 55 single wide mobile home.

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 March 5, 2010 as Document Number 2010-0101828 in the Office of the County Recorder, County of Riverside.

7. On November 17, 2009, a Notice of Violation was posted on THE PROPERTY. On December 18, 2009, a Notice of Violation was mailed to the OWNERS by certified mail, return receipt requested. On April 12, 2010, a Notice of Violation was mailed to the INTERESTED PARTIES by certified mail, return receipt requested.

8. On November 10, 2010, the second notice - "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 7, 2010, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on November 12, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on December 7, 2010, finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials on the real property located at
3 32393 Thompson Road, Winchester, County of Riverside, State of California, also identified as Assessor's
4 Parcel Number 964-010-010 violates Riverside County Ordinance No. 348 and constitute a public
5 nuisance.

6 2. WHEREAS, the OWNERS and INTERESTED PARTIES, occupants or any person having
7 possession or control of the premises shall abate the condition by removing and disposing of the excess
8 outside storage of materials from the subject real property in strict accordance with all Riverside County
9 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of
10 the posting or mailing of this order.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
17 be abated by the OWNERS and INTERESTED PARTIES or anyone having possession or control of THE
18 PROPERTY, by removing and disposing of the outside excess storage of materials from the subject real
19 property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
20 County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

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

27 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
28 be imposed as a lien on the property, which may be collected as a special assessment against the property

1 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 348 and 725. Under
2 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to
3 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
4 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs
5 associated with the removal or correction of the violation." Reasonable abatement costs accrued by the
6 Department will be recoverable from the property owner(s) even if the property is brought into
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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9
10 Dated: _____

COUNTY OF RIVERSIDE

11
12 By _____

Marion Ashley
Chairman, Board of Supervisors

13 ATTEST:

14
15
16 KECIA HARPER-IHEM

17 Clerk to the Board

18
19
20 By

21 Deputy

22 (SEAL)