

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

405B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011


SUBJECT: Order to Abate [Shipping Containers]
Case No: CV 09-12544 [SHEEHAN]
Subject Property: 42597 Sabina Drive, Hemet; APN: 569-260-037
District: Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12544 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 09-12544; 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 09-12544.

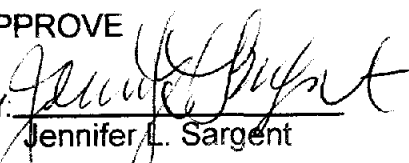
(Continued)



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: 

County Executive Office Signature Jennifer L. Sargent

- Policy
- Policy
- Consent
- Consent

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

Abatement of Public Nuisance
Case No.: CV 09-12544 [SHEEHAN]
42597 Sabina Drive, Hemet
District Three
Page 2

BACKGROUND:

On January 11, 2011, 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, 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 09-12544
[SHIPPING CONTAINERS]; APN 569-260-037,)
12 42597 SABINA DRIVE, HEMET, COUNTY OF) FINDINGS OF FACT,
RIVERSIDE, STATE OF CALIFORNIA; LORA) CONCLUSIONS AND ORDER TO
13 L. SHEEHAN, TRUSTEE OF THE LORA) ABATE NUISANCE
SHEEHAN TRUST DATED DECEMBER 19,)
14 2002, OWNER.) [R.C.O. No. 348, R.C.C. Chapter 17]
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17 The above-captioned matter came on regularly for hearing on January 11, 2011, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 42597 Sabina Drive, Hemet, Riverside County, APN: 569-260-037 and referred to
21 hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear and did not address the Board.

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Lora L. Sheehan, Trustee of the Lora Sheehan Trust Dated December 19, 2002
4 ("OWNER").

5 2. Documents of title at the time of the inspection indicated that other parties potentially hold
6 a legal interest in THE PROPERTY to wit: Green Tree Servicing, LLC (hereinafter referred to as
7 "INTERESTED PARTY").

8 3. THE PROPERTY has been inspected by Code Enforcement Officers on January 6, 2010,
9 February 8, 2010, March 11, 2010, April 1, 2010, April 19, 2010, April 20, 2010, May 26, 2010,
10 September 14, 2010 and January 7, 2011.

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

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
14 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded on May 12, 2010, as Document Number 2010-
16 0220004 in the Office of the County Recorder, County of Riverside.

17 7. On January 6, 2010, a Notice of Violation was posted on THE PROPERTY. On January
18 7, 2010, a Notice of Violation was mailed to the OWNER by certified mail with return receipt requested.
19 On April 30, 2010, a Notice of Violation was mailed to INTERESTED PARTY by certified mail with
20 return receipt requested.

21 8. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October 19,
23 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED PARTY
24 and was posted on THE PROPERTY on September 14, 2010.

25 9. On October 25, 2010, a "Continued Notice to Correct County Ordinance Violations and
26 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
27 January 11, 2011, was mailed by certified mail, return receipt requested, to the OWNER and
28 INTERESTED PARTY and was posted on THE PROPERTY on October 27, 2010.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on January 11, 2011, finds and concludes that:

4 1. WHEREAS, the two metal shipping containers on the real property located at 42597
5 Sabina Drive, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 569-260-
6 037 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

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

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

16 **ORDER TO ABATE NUISANCE**

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

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

28 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall

1 be imposed as a lien on the property, which may be collected as a special assessment against the property
2 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541 and
3 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
4 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
5 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
6 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
7 the Department will be recoverable from the property owner(s) even if the property is brought into
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

9
10
11 Dated: _____

COUNTY OF RIVERSIDE

12
13 By _____
14 Marion Ashley
15 Chairman, Board of Supervisors

16 ATTEST:

17
18 KECIA HARPER-IHEM

19 Clerk to the Board
20
21

22 By

23 Deputy

24 (SEAL)
25
26

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