

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

311B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
April 14, 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-04593 [CONSTANTINESCU]
Subject Property: 37735 Pine St., Anza; APN: 575-050-023
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04593 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 09-04593; 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 09-04593.

(Continued)


L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

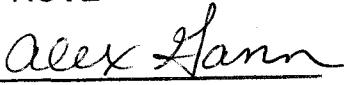
| | | | | |
|-------------------|-------------------------------|--------|-------------------------|-----|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ N/A | In Current Year Budget: | N/A |
| | Current F.Y. Net County Cost: | \$ N/A | Budget Adjustment: | N/A |
| | Annual Net County Cost: | \$ N/A | 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: 
Alex Gann

County Executive Office Signature

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

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District Three
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BACKGROUND:

On February 8, 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 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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**
13

| | | |
|---|---|------------------------------------|
| 11 IN RE ABATEMENT OF PUBLIC NUISANCE: |) | CASE NO. CV 09-04593 |
| 12 [EXCESSIVE OUTSIDE STORAGE AND |) | |
| 13 ACCUMULATION OF RUBBISH]; |) | FINDINGS OF FACT, |
| 14 APN 575-050-023, 37735 PINE ST., ANZA, |) | CONCLUSIONS AND ORDER TO |
| 15 COUNTY OF RIVERSIDE, STATE OF |) | ABATE NUISANCE |
| 16 CALIFORNIA; MARIA CONSTANTINESCU, |) | |
| 17 OWNER. |) | [R.C.O. Nos. 348 (RCC Chapter 17), |
| |) | 541 (RCC Chapter 8.120) and 725 |
| |) | (RCC Title 1)] |

17 The above-captioned matter came on regularly for hearing on February 8, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 37735 Pine St., Anza, Riverside County, California and further described as
21 Assessor's Parcel Number 575-050-023 and referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear and did not address the Board. Owner's representative, Tom Turian,
25 appeared at the pre-hearing meeting but did not address the Board.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners of
6 THE PROPERTY as Maria Constantinescu, ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY to wit: Saxon Mortgage; Meritech Mortgages Services, Inc.; Chase Bank of Texas,
9 National Association; Al (Alvin) J. Kranz; and Valley Heights Funding (hereinafter referred to as :
10 "INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on May 4, 2010, June
12 16, 2010, July 26, 2010, September 10, 2010, October 25, 2010, January 20, 2011 and February 3,
13 2011.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
16 were not limited to: wood, metal pipes, appliances, plastic, cardboard, furniture, fencing, computers,
17 chairs, buckets, tools, auto parts, tires, mattresses, concrete, hoses, mixers, tanks, pallets and other
18 miscellaneous items. The officer visually estimated the amount of accumulated rubbish and excess
19 outside storage of materials was approximately seven thousand two hundred (7,200) square feet.
20 Given the size of the parcel (2.5 acres) and the zoning classification (R-R-5, Rural Residential with at
21 least 5 acres), it allows outside storage on an improved parcel to be two hundred (200) square feet for
22 properties that are a minimum of five acres in size.

23 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

25 6. A Notice of Noncompliance was recorded on July 9, 2010, as Document Number
26 2009-0323685 in the Office of the County Recorder, County of Riverside.

27 7. On May 5, 2010, Notices of Violation for violation of Riverside County Ordinance
28 Nos. 348 and 541 were mailed to the OWNER and Tenant, Tom Turin, by certified mail with return

1 receipt requested. On June 4, 2010, a Notice of Violation for the excess outside storage of materials
2 and accumulated rubbish was posted on THE PROPERTY. On June 29, 2010, Notices of Violation
3 were mailed to INTERESTED PARTIES by certified mail with return receipt requested.

4 8. On January 19, 2011, the "Notice to Correct County Ordinance Violations and Abate
5 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
6 for February 8, 2011, was mailed by certified mail, return receipt requested, to OWNERS and was
7 posted on THE PROPERTY on January 20, 2011.

8 **FINDINGS AND CONCLUSIONS**

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on February 8, 2011, finds and concludes that:

11 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
12 the real property located at 37735 Pine St., Anza, Riverside County, California, also identified as
13 Assessor's Parcel Number 575-050-023 violates Riverside County Ordinance Nos. 348 (RCC Chapter
14 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County
15 Ordinance No. 348, the amount of outside storage of materials allowed to be stored on THE
16 PROPERTY is two hundred (200) feet. Under Riverside County Ordinance No. 541, no amount of
17 rubbish is allowed to be accumulated on THE PROPERTY.

18 2. WHEREAS, the OWNER, tenant, occupants or any person having possession or
19 control of the premises shall abate the condition by removal of all outside storage of materials and
20 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
21 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
22 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the excess outside storage of materials and

1 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Maria
2 Constantinescu, or anyone having possession or control of THE PROPERTY, by removing all of the
3 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
4 real property in strict accordance with all Riverside County Ordinances, including but not limited to
5 Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within
6 ninety (90) days of the date of this Order to Abate Nuisance.

7 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
8 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
10 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
11 accumulation of rubbish may be abated and disposed of by representatives of the Riverside County
12 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
13 consent or a Court Order when necessary under applicable law.

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

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FORM APPROVED COUNTY COUNSEL
BY: 5/3/11 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 _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

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