

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

508 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
April 28, 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 10-01043 [RIVEROAKS ENTERPRISES, INC.]  
Subject Property: 1 Parcel North of 18010 Grand Ave., Lake Elsinore;  
APN: 381-210-004


District: One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01043 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 10-01043; 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 10-01043.

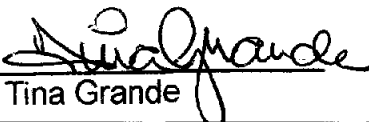
Departmental Concurrence

(Continued)

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

|                       |                               |        |                         |     |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| <b>FINANCIAL DATA</b> | 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 |

|                             |                                  |                          |
|-----------------------------|----------------------------------|--------------------------|
| <b>SOURCE OF FUNDS:</b> 9.3 | 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**

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:  
Per Exec. Ofc.:

Order to Abate  
Case No.: CV10-01043 [RIVEROAKS ENTERPRISES, INC.]  
1 Parcel North of 18010 Grand Ave., Lake Elsinore  
District One  
Page 2

**BACKGROUND:**

On April 5, 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 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-01043  
14 [EXCESS OUTSIDE STORAGE AND )  
15 ACCUMULATED RUBBISH]; )  
16 APN 381-210-004, 1 PARCEL NORTH OF 18010 )  
17 GRAND AVE., LAKE ELSINORE, COUNTY OF )  
18 RIVERSIDE, STATE OF CALIFORNIA; )  
19 RIVEROAKS ENTERPRISES, INC. OWNER. )  
20 [R.C.O. Nos. 348 (RCC Title 17), 541  
21 (RCC Title 8) and 725 (RCC Title 1)]  
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29 The above-captioned matter came on regularly for hearing on April 5, 2011, before the Board  
30 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
31 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
32 described as 1 Parcel North of 18010 Grand Ave., Lake Elsinore, Riverside County, California and  
33 further described as Assessor's Parcel Number 381-210-004 and referred to hereinafter as "THE  
34 PROPERTY."

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

37 No one appeared on behalf of Owners.

38 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
39 with attached Exhibits, evidencing the excess outside storage of materials and accumulated rubbish on

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

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
5 THE PROPERTY as Riveroaks Enterprise, Inc. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY to wit: MFTDS, Inc. c/o Master Funding Company and Stephen L. Wheeler  
8 (hereinafter referred to as "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on February 10,  
10 2010, March 23, 2010, April 29, 2010, May 27, 2010, June 25, 2010, September 24, 2010, October  
11 27, 2010, November 24, 2010, November 30, 2010, March 23, 2011 and April 1, 2011.

12 4. During each inspection, the outside storage of materials and accumulated rubbish were  
13 observed on THE PROPERTY. The materials and rubbish were intermingled and included but were  
14 not limited to: several large dead tree limbs, 13 boats, 14 boat molds and 2 personal water craft. The  
15 Property is approximately 1.25 acres located within the C-1/C-P (General Commercial), R-3 (General  
16 Residential) and W-1 (Watercourse, Watershed and Conservation Areas) zone classification.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 Nos. 348 (RCC Title 17) and 541 (RCC Title 8) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on April 1, 2010, as Document Number  
20 2010-0149766 in the Office of the County Recorder, County of Riverside.

21 7. On February 10, 2010, Notices of Violation for violation of Riverside County  
22 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On February 11, 2010 and March  
23 23, 2010, Notices of Violation were mailed to OWNER and INTERESTED PARTIES.

24 8. On March 22, 2011, the "Notice to Correct County Ordinance Violations and Abate  
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
26 for April 5, 2011, was mailed by certified mail, return receipt requested, to OWNER and  
27 INTERESTED PARTIES and was posted on THE PROPERTY on March 23, 2011.

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**FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 5, 2011, finds and concludes that:

1. WHEREAS, the excess outside storage of materials and accumulated rubbish on the real property located at 1 Parcel North of 18010 Grand Ave., Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number 381-210-004 violates Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to no amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

2. WHEREAS, the OWNER, occupants or any person having possession or control of the premises shall abate the condition by removal of all outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days.

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

**ORDER TO ABATE NUISANCE**

IT IS THEREFORE ORDERED that the excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Riveroaks Enterprises, Inc. or anyone having possession or control of THE PROPERTY, by removing all of the outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
2 County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the  
3 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of  
4 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement  
5 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court  
6 Order when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
10 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Title 1). Under  
11 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably  
12 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,  
13 but not be limited to, enforcement, investigation, collection and administrative costs,

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1 attorney's fees and the costs associated with the removal or correction of the violation." Reasonable  
2 abatement costs accrued by the Code Enforcement Department will be recoverable from the property  
3 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of  
4 this Order to Abate Nuisance.

5  
6 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

7  
8 By \_\_\_\_\_  
9 Bob Buster  
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

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FORM APPROVED COUNTY COUNSEL  
BY: Alexandra Fong 4/27/11  
DATE  
L. ALEXANDRA FONG