

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

509B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 07-1997 [HARRISON]
Subject Property: 22681 Alessandro Ave., San Jacinto; APN: 434-240-011
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1997 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 07-1997; 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 07-1997.

[Handwritten Signature]

(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: *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Order to Abate
Case No. CV07-1997 [HARRISON]
22681 Alessandro Ave., San Jacinto
APN#434-240-011
District Three
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:)
14 [EXCESS OUTSIDE STORAGE AND)
15 ACCUMULATED RUBBISH];)
16 APN 434-240-011, 22681 ALESSANDRO AVE.,)
17 SAN JACINTO, COUNTY OF RIVERSIDE,)
18 STATE OF CALIFORNIA; WILLIAM)
19 HARRISON, OWNER.)

CASE NO. CV 07-1997

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Title 17), 541
(RCC Title 8) and 725 (RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on April 5, 2011, before the Board
21 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
22 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
23 described as 22681 Alessandro Ave., San Jacinto, Riverside County, California and further described
24 as Assessor's Parcel Number 434-240-011 and referred to hereinafter as "THE PROPERTY."

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

27 No one appeared on behalf of Owners.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excess outside storage of materials and accumulated rubbish on
THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

1 Title 17) and 541 (Riverside County Code Title 8) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as William Harrison ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY to wit: Chris Compton Bail Bonds, Seneca Insurance Company, Inc., State of California
7 Franchise Tax Board and Internal Revenue Service ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on January 21, 2009,
9 May 30, 2009, August 19, 2009, December 28, 2009, February 5, 2010, May 7, 2010, June 7, 2010,
10 September 28, 2010, November 15, 2010, January 26, 2011, March 23, 2011 and April 1, 2011.

11 4. During each inspection, the outside storage of materials and accumulated rubbish were
12 observed on THE PROPERTY. The materials and rubbish were intermingled and included but were
13 not limited to: boat hulls, tires, auto parts, scrap metal, scrap wood, construction material, equipment,
14 machinery, tools and appliances. The officer visually estimated the amount of accumulated rubbish
15 and excess outside storage of materials was approximately twenty nine thousand nine hundred eighty
16 eight (29, 988) square feet. Given the size of the parcel (.87 acres) and the zoning classification (A-1-
17 5, Light Agriculture), two hundred (200) square feet of outside storage is allowed on THE
18 PROPERTY. No amount of accumulated rubbish is allowed on THE PROPERTY.

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

21 6. A Notice of Noncompliance was recorded on June 21, 2010, as Document Number
22 2010-0284842 in the Office of the County Recorder, County of Riverside.

23 7. On January 21, 2009, a Notice of Violation for violation of Riverside County
24 Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On February 5, 2009 and June 7,
25 2010, Notices of Violation were mailed to OWNERS and INTERESTED PARTIES. On June 15,
26 2010, Notices of Violation were mailed to INTERESTED PARTIES.

27 8. On March 22, 2011, 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 April 5, 2011, was mailed by certified mail, return receipt requested, to OWNER and
2 INTERESTED PARTIES and was posted on THE PROPERTY on March 23, 2011.

3 **FINDINGS AND CONCLUSIONS**

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

6 1. WHEREAS, the excess outside storage of materials and accumulated rubbish on the
7 real property located at 22681 Alessandro Ave., San Jacinto, Riverside County, California, also
8 identified as Assessor's Parcel Number 434-240-011 violates Riverside County Ordinance Nos. 348
9 (RCC Title 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under Riverside County
10 Ordinance No. 348, the parcel located within the A-1-5 (Light Agriculture) zone is allowed 200
11 hundred square feet of outside storage of materials 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 OWNER, occupants or any person having possession or control of
15 the premises shall abate the condition by removal of all outside storage of materials and removing and
16 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 Title 17) and 541 (RCC Title 8) within ninety (90) days.

19 3. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within
20 which judicial review of the administrative determinations made herein must be sought is ninety (90)
21 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
22 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 OWNER, specifically William
26 Harrison, or anyone having possession or control of THE PROPERTY, by removing all of the excess
27 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
28 real property in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days
2 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 Title 17) and 541 (RCC Title 8) within ninety (90) days of the
6 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
7 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement
8 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
9 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 Title 1). Under
14 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
15 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
16 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
17 and the costs associated with the removal or correction of the violation." Reasonable abatement costs
18 accrued by the Code Enforcement Department will be recoverable from the property

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG 1/27/11 DATE

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