

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

912B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 2, 2011

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage & Accumulated Rubbish]
Case Nos.: CV 09-04701 (MERRILL)
Subject Property: 43422 Dessie Way, Hemet, APN: 549-223-008
District: Three

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials and accumulation of rubbish on the real property located at 43422 Dessie Way, Hemet, Riverside County, California, APN: 549-223-008 be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 (Riverside County Code Titles 17 and 8).
2. Ernest L. Merrill and Mary R. Merrill, Trustees of the Ernest L. Merrill and Mary R. Merrill Family Trust dated September 1, 2005, the owners of the subject real property, be directed to abate the excess outside storage and accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

(Continued)

Raymond M. Mistica
RAYMOND M. MISTICA, 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

County Executive Office Signature

BY:

Tina Grande
Tina Grande

Policy ☒

Consent ☐

Policy ☒

Consent ☐

Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.4

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3. If the owners of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may abate the excess outside storage and accumulation of rubbish by removing and disposing of the same from the real property.
4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on August 18, 2009.
2. The inspection revealed the excess outside storage of materials and an accumulation of rubbish on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The items included but were not limited to: construction materials, scrap wood, doors, windows, pipes, wire mesh, hand tools, auto parts, bicycle parts, boxes, crates, plastic bins, recyclables, fabric, clothes, an engine hoist and other assorted household wares.
3. Subsequent follow up inspections of the above-described real property on October 9, 2009, October 16, 2009, April 19, 2010, May 25, 2010, July 13, 2010, November 3, 2010, January 5, 2011, March 15, 2011, March 23, 2011, and June 1, 2011, revealed that the property continued to be in violation of Riverside County Ordinance Nos. 348 and 541.

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4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of excess outside storage and accumulated rubbish.