

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

624B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 4, 2011

SUBJECT: Order to Abate [Excess Outside Storage]
Case No: CV 10-06569 [SNF PROPERTIES, LLC]
Subject Property: 1 Parcel East of 52993 Manzanita, Idyllwild;
APN: 560-031-012
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06569 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 10-06569; 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 10-06569.

(Continued)

L. Alex Fong

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: *Tina Grande*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

2.15

Abatement of Public Nuisance
Case No.: CV10-06569 [SNF PROPERTIES, LLC]
1 Parcel East of 52993 Manzanita, Idyllwild
APN# 560-031-012
District Three
Page 2

BACKGROUND:

On June 28, 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 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 GC §§ 6103 and 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-06569
[EXCESSIVE OUTSIDE STORAGE]; APN 560-)
12 031-012, 1 PARCEL EAST OF 52993) FINDINGS OF FACT,
MANZANITA, IDYLLWILD, COUNTY OF) CONCLUSIONS AND ORDER TO
13 RIVERSIDE, STATE OF CALIFORNIA; SNF) ABATE NUISANCE
PROPERTIES, LLC., OWNER.)
14) [R.C.O. Nos.348 and 725
15) R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on June 28, 2011, before the Board of
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as
19 1 Parcel East of 52993 Manzanita, Idyllwild, Riverside County, APN: 560-031-012 and referred to
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear and did not address the Board.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside 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 owner of THE
3 PROPERTY as SNF Properties, LLC. ("OWNER").

4 2. Documents of title at the time of the inspection indicated that no other parties potentially
5 hold a legal interest in THE PROPERTY.

6 3. THE PROPERTY has been inspected by Code Enforcement Officers on September 21,
7 2010, December 8, 2010, January 12, 2011, March 9, 2011, June 17, 2011 and June 27, 2011.

8 4. During each inspection, excess outside storage of materials was observed on THE
9 PROPERTY. The excess outside storage included but was not limited to: a 10' x 10' storage shed.

10 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
11 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

12 6. A Notice of Noncompliance was recorded on November 5, 2010, as Document Number
13 2010-0534057 in the Office of the County Recorder, County of Riverside.

14 7. On September 21, 2010, a Notice of Violation was posted on THE PROPERTY. On
15 September 22, 2010, October 29, 2010 and January 26, 2011, a Notice of Violation was mailed to the
16 OWNER by certified mail, return receipt requested.

17 8. On June 8, 2011, a "Notice to Correct County Ordinance Violations and Abate Public
18 Nuisance" providing notice of the public hearing before the Board of Supervisors on June 28, 2011, was
19 mailed by US mail to the OWNER and posted on THE PROPERTY on June 17, 2011.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
22 regular session assembled on June 28, 2011, finds and concludes that:

23 1. WHEREAS, the excessive outside storage of materials on the real property located at 1
24 Parcel East of Manzanita, Idyllwild, Riverside County, California, also identified as Assessor's Parcel
25 Number 560-031-012 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

26 2. WHEREAS, the OWNER, occupants or any person having possession or control of the
27 premises shall abate the condition by removing and disposing of the excess outside storage of materials
28 from the subject real property in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
2 order.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
9 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and
10 disposing of the outside excess storage of materials from the subject real property in strict accordance
11 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348
12 within ninety (90) days of the posting or mailing of this order.

13 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
14 accordance with all Riverside County Ordinances, including but not limited to Riverside County
15 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
16 materials may be abated by representatives of the Riverside County Code Enforcement Department, a
17 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
18 necessary under applicable law.

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

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11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 Bob Buster
Chairman, Board of Supervisors

16 ATTEST:

17
18 KECIA HARPER-IHEM

19 Clerk to the Board

20
21
22 By
23 Deputy
24 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG 3/4/11 /DATE

25
26 G:\Litigation\Code Enforcement\Abatements\2011\2010\CV 10-06569\348 FOF.DOC