

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

6078



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 20 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 10-01907 [GERBL]
Subject Property: 55490 Pine Tree Lane, Anza; APN: 573-080-070
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01907 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 10-01907; 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 10-01907.

(Continued)


PATRICIA MUNROE, 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: 
Michael R. Shetler

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Order to Abate
Case No. CV10-01907 [GERBL]
55490 Pine Tree Lane, Anza
APN#573-080-070
District Three
Page 2

BACKGROUND:

On October 4, 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:
Kecia Harper-Ihem, Clerk to the
2 Board of Supervisors (Stop #1010)

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5 WHEN RECORDED PLEASE MAIL TO:
Patricia Munroe, 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]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-01907
[EXCESSIVE OUTSIDE STORAGE AND)
12 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
APN 573-080-070, 55490 PINE TREE LANE,) CONCLUSIONS AND ORDER TO
13 ANZA, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
JACKSON WILLIS GERBL AND TAMBIA RAE)
14 GERBL, OWNERS.) R.C.O. Nos. 348, 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on October 4, 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 55490 Pine Tree Lane, Anza, Riverside County, California and further
21 described as Assessor’s Parcel Number 573-080-070 and referred to hereinafter as “THE
22 PROPERTY.”

23 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owner appeared but did not address the Board of Supervisors.

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 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Jackson Willis Gerbl and Tambia Rae Gerbl, ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: State of California Franchise Tax Board, Lewis Gerbl and Margaret Gerbl
7 (collectively referred to as "INTERESTED PARTIES"). THE PROPERTY is occupied by Michael
8 Polson (hereinafter referred to as "TENANT").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 9, 2010,
10 April 13, 2010, June 10, 2010, October 28, 2010, December 1, 2010, January 10, 2011 and
11 September 16, 2011.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: cardboard, paint buckets, wood, metal, tires, tools, pipes, trash, plastic, auto
15 parts, appliances, barrels, carpet, sheet metal, fencing material, furniture and other miscellaneous
16 items and debris. The amount of outside storage and rubbish was approximately thirty thousand
17 (30,000) square feet. Given the size of the parcel (22.33 acres) and the zoning classification (R-R,
18 Rural Residential), two hundred (200) square feet of outside storage is allowed and no rubbish is
19 allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 and 541 by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on March 18, 2010 as Document Number
23 2010-0125628 in the Office of the County Recorder, County of Riverside.

24 7. On March 9, 2010, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On March 10, 2010, Notice of Violations was
26 mailed to OWNERS and TENANT and on May 6, 2010 was mailed to OWNERS and
27 INTERESTED PARTIES.

28 8. On September 15, 2011, the "Notice to Correct County Ordinance Violations and

1 Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors
2 scheduled for October 4, 2011, was mailed to OWNERS, TENANT and INTERESTED PARTIES
3 and was posted on THE PROPERTY on September 16, 2011.

4 **FINDINGS AND CONCLUSIONS**

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

7 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
8 the real property located at 55490 Pine Tree Lane, Anza, Riverside County, California, also
9 identified as Assessor's Parcel Number 573-080-070 violates Riverside County Ordinance Nos. 348
10 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, two hundred
11 (200) square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under
12 Riverside County Ordinance No. 541, no rubbish is allowed to be accumulated on THE PROPERTY.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Jackson
25 Willis Gerbl and Tambia Rae Gerbl, or anyone having possession or control of THE PROPERTY, by
26 removing all of the outside storage of materials in excess of two hundred (200) square feet and
27 removing and disposing of all accumulated rubbish from the subject real property in strict
28 accordance with all Riverside County Ordinances, including but not limited to Riverside County

1 Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance.

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

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
13 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
14 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
15 collection and administrative costs, attorneys fees, and the costs associated with the removal or
16 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of 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)