

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

908 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 10 2011

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. : CV10-09939 [GUSTIN]
Subject Property: 21275 Rider Street, Perris; APN: 318-210-020
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09939 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. CV10-09939; 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. CV10-09939.

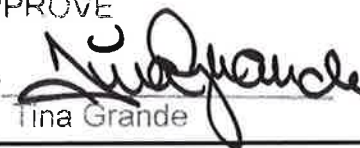
(Continued)



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: 
Tina Grande
County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Policy Policy
 Consent Consent
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-09939 [GUSTIN]
21275 Rider Street, Perris
APN#318-210-020
District 1
Page 2

BACKGROUND:

On November 1, 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 accumulation of 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 the Findings of Fact, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-09939
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH]; APN 318-210-)
13 020, 21275 RIDER STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; TERRY) CONCLUSIONS AND ORDER TO
14 D. GUSTIN AND LINDA M. GUSTIN, OWNERS.) ABATE NUISANCE
15) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on November 1, 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 21275 Rider Street, Perris, Assessor’s Parcel Number 318-210-020 and
21 referred to hereinafter as “THE PROPERTY.”

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

24 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
28 a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Terry D. Gustin and Linda M. Gustin (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Liberty Thrift & Loan Co., Safeguard Properties, Home Loan Equity,
6 Corporation, The Woltrich Family Trust and Citimortgage, Inc. (hereinafter collectively referred to
7 as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on December 14,
9 2010, January 12, 2011, March 3, 2011, May 10, 2011, July 26, 2011 and October 5, 2011.

10 4. During each inspection an accumulation of rubbish and excess outside storage was
11 observed throughout THE PROPERTY consisting of but not limited to: discarded furniture,
12 household trash, scrap wood, plastics and clothes.

13 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 Nos. 348 and 541 by the Code Enforcement Officer.

15 7. On January 12, 2011, Notice of Noncompliance was recorded at the Riverside County
16 Recorder’s Office as instrument number 2011-0000171.

17 8. On December 14, 2010, Notice of Violation was posted on THE PROPERTY. On
18 December 15, 2010, January 6, 2011 and April 4, 2011, Notice of Violation was mailed to OWNERS
19 and on April 4, 2011 was mailed to INTERESTED PARTIES.

20 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
21 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
22 INTERESTED PARTIES and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on November 1, 2011 finds and concludes that:

26 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
27 the real property located at 21275 Rider Street, Perris, Riverside County, California, also identified
28 as Assessor's Parcel Number 318-210-020 violates Riverside County Ordinance Nos. 348 and 541

1 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the property
2 being vacant, no amount of outside storage of materials is allowed to be stored on THE PROPERTY.
3 Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on
4 THE PROPERTY.

5 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
6 the premises shall abate the condition by removal of all outside storage of materials and removing
7 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
8 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and
9 541 within ninety (90) days.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the excess outside storage of materials and
17 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Terry D.
18 Gustin and Linda M. Gustin, or anyone having possession or control of THE PROPERTY, by
19 removing all of the outside storage of materials and removing and disposing of all accumulated
20 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
21 including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of
22 the date of this Order to Abate Nuisance.

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

1 under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 348 and 725. Under Riverside County Ordinance No. 725, “abatement
6 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate
7 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
8 collection and administrative costs, attorneys fees, and the costs associated with the removal or
9 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)