

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

903B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 23, 2012

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 11-04661 [MCDONALD]
Subject Property: 49336 W. Blanche Avenue, Cabazon; APN: 519-371-022
District: Five/Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 11-04661 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 11-04661; 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 11-04661.



(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

- | | |
|---|---------------------------------|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |

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

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Prev. Agn. Ref.: 05/01/12; 9.2 | District: 5/5 | Agenda Number:

2.10

Order to Abate
Case No. CV11-04661 [MCDONALD]
49336 W. Blanche Avenue, Cabazon
APN#519-371-022
District Five/Five
Page 2

BACKGROUND:

On May 1, 2012, 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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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 11-04661
[EXCESSIVE OUTSIDE STORAGE AND)	
12 ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 519-371-022, 49336 W. BLANCHE)	CONCLUSIONS AND ORDER TO
13 AVENUE, CABAZON, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; MARY MCDONALD, OWNER.)	
14)	R.C.O. Nos. 348, 541 and 725
15)	

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16 The above-captioned matter came on regularly for hearing on May 1, 2012, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 49336 W. Blanche Avenue, Cabazon, Riverside County, California and further
20 described as Assessor’s Parcel Number 519-371-022 and referred to hereinafter as “THE
21 PROPERTY.”

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

24 Owner 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 owner of
3 THE PROPERTY as Mary McDonald (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: State of California Franchise Tax Board, Margaret E. Geiske, Ford Motor
6 Credit Company⁷, Surety Service Corporation and MacDowell & Associates (hereinafter collectively
7 referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 13, 2011,
9 August 30, 2011, October 4, 2011, November 10, 2011, December 19, 2011 and April 27, 2012.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: wood, boat hull, appliances, television, plastics, household trash, tools, mattress,
13 chairs, table and other miscellaneous items. Given the size of the parcel (.09 acres) and the zoning
14 classification (W-2-M, Controlled Development Areas with Mobilehome), no amount of outside
15 storage or rubbish is allowed on THE PROPERTY.

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

18 6. A Notice of Pendency of Administrative Proceedings was recorded on October 4,
19 2011, as Document Number 2011-0439110 in the Office of the County Recorder, County of
20 Riverside.

21 7. On June 13, 2011, Notices of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On September 13, 2011, Notice of Violations
23 was mailed to OWNER and INTERESTED PARTIES.

24 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors scheduled for May 1, 2012,
26 was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on May 1, 2012, finds and concludes that:

2 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
3 the real property located at 49336 W. Blanche Avenue, Cabazon, Riverside County, California, also
4 identified as Assessor's Parcel Number 519-371-022 violates Riverside County Ordinance Nos. 348
5 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, no amount
6 of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside
7 County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
8 PROPERTY.

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

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

18 **ORDER TO ABATE NUISANCE**

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

26 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
27 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
28 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate

1 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and
2 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor
3 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary
4 under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
8 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
9 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
10 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
11 collection and administrative costs, attorneys fees, and the costs associated with the removal or
12 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 _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)

NOTICE LIST

Subject Property: 49936 W Blanche Ave., Cabazon
Case No.: CV 11-04661; APN: 519-371-022; District 5/5

MARY McDONALD
PO BOX 1150
RIVERSIDE CA 92501

FORD MOTOR CREDIT COMPANY
C/O MACDOWELL & ASSOCIATES
3636 BIRCH STREET STE 290
NEWPORT BEACH CA 92660

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
PO BOX 2952
SACRAMENTO CA 95812-2952