

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



704 B

FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
August 16, 2012

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 10-06159 [JENKS]
Subject Property: 14420 Almond Street, Cabazon; APN: 526-150-009
District: 5/5

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06159 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 10-06159; 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 10-06159.



PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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

- Consent
- Policy
- Consent
- Policy

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

Order to Abate
Case No. CV10-06159 [JENKS]
14420 Almond Street, Cabazon
APN#526-150-009
District 5/5
Page 2

BACKGROUND:

On July 17, 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 10-06159
[EXCESSIVE OUTSIDE STORAGE AND)
12 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
APN 526-150-009, 14420 ALMOND STREET,) CONCLUSIONS AND ORDER TO
13 CABAZON, RIVERSIDE COUNTY,) ABATE NUISANCE
CALIFORNIA; ROBERT G. JENKS AND)
14 PAMELA A. JENKS, OWNERS.) R.C.O. Nos. 348, 541 and 725

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16 The above-captioned matter came on regularly for hearing on July 17, 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 14420 Almond Street, Cabazon, Riverside County, California and further described as
20 Assessor's Parcel Number 526-150-009 and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners appeared but did not address the Board of Supervisors.

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

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SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder’s Office identify the owners of THE PROPERTY as Robert G. Jenks and Pamela A. Jenks (hereinafter referred to as “OWNERS”).

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Bank of America, Community Lending and LVNV Funding, LLC (hereinafter collectively referred to as “INTERESTED PARTIES”).

3. THE PROPERTY was inspected by Code Enforcement Officers on September 24, 2011, January 11, 2012, February 15, 2012, April 27, 2012, June 19, 2012 and July 16, 2012.

4. During each inspection, the outside storage of materials and accumulation of rubbish were observed on THE PROPERTY. The materials and rubbish were intermingled and included but were not limited to: chain link fencing, blocks, bricks, pallets, scrap wood, metal, cardboard, vehicle parts, barrels, buckets, pipes, PVC, plastic boxes, jugs, lawn mowers, sheet metal, appliances, equipment , tools, doors, tires, wheels, ladders, green waste, concrete, carpet, cabinets, household trash, recyclables, and other miscellaneous trash and debris. Given the size of the parcel (4.32 acres) and the zoning classification (R-A- Rural Agricultural) two hundred (200) square feet of outside storage is allowed and no amount of rubbish is allowed on THE PROPERTY.

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

6. A Notice of Pendency of Administrative Proceedings was recorded on October 26, 2011, as Document Number 2011-0472422 in the Office of the County Recorder, County of Riverside.

7. On September 24, 2011, a Notice of Violation for violation of Riverside County Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On October 11, 2011 and January 13, 2012, Notice of Violation were mailed to OWNERS and on January 13, 2012 were mailed to INTERESTED PARTIES by certified mail, return receipt requested.

8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled for July 17, 2012,

1 was mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on July 17, 2012, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at 14420 Almond Street, Cabazon, Riverside County, California, also
7 identified as Assessor's Parcel Number 526-150-009 violates Riverside County Ordinance Nos. 348
8 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348 and the
9 zoning classification, two hundred (200) square feet of outside storage of materials is allowed to be
10 stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is
11 allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
13 the premises shall abate the condition by removal of all outside storage of materials in excess of two
14 hundred (200) square feet and removing and disposing of all accumulated rubbish from the subject
15 real property in strict accordance with all Riverside County Ordinances, including but not limited to
16 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Robert G.
24 Jenks and Pamela A. Jenks, or anyone having possession or control of THE PROPERTY, by
25 removing all of the outside storage of materials in excess of two hundred (200) square feet and
26 removing and disposing of all accumulated rubbish from the subject real property in strict
27 accordance with all Riverside County Ordinances, including but not limited to Riverside County
28 Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the materials in excess of two hundred (200) square feet
2 and rubbish are not removed and disposed of in strict accordance with all Riverside County
3 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
4 (90) days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
5 accumulation of rubbish may be abated and disposed of by representatives of the Riverside County
6 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
7 consent or a Court Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
12 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
13 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
14 collection and administrative costs, attorneys fees, and the costs associated with the removal or
15 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: 14420 Almond Street, Cabazon
Case No.: CV 10-06159; APN: 526-150-009; District 5/5

ROBERT G JENKS
PAMELA A JENKS
PO BOX 182
BEAUMONT CA 92223

BANK OF AMERICA
451 7TH ST SW #B-133
WASHINGTON DC 20410

COMMUNITY LENDING
PO BOX 700
610 JARVIS DR SUITE 200
MORGAN HILL CA 95037

LVNV FUNDING LLC
C/O H&H
151 BERNAL RD #8
SAN JOSE CA 95119