

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

305B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 16, 2013

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-05820 [WARD]
Subject Property: 27854 Calle De Leon, Romoland; APN: 327-062-012
District: 5/5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05820 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 09-05820; 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 09-05820.

(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

Dep't Recomm.: ☒ Consent ☐ Policy
Per Exec. Ofc.: ☒ Consent ☐ Policy

2013 JUL 11 10:50
RECEIVED BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

Order to Abate
Case No. CV09-05820 [WARD]
27854 Calle De Leon, Romoland
APN#327-062-012
District 5/5
Page 2

BACKGROUND:

On May 21, 2013, 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:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)
4

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**
13

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05820
15 [EXCESSIVE OUTSIDE STORAGE AND)
16 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
17 APN 327-062-012, 27854 CALLE DE LEON) CONCLUSIONS AND ORDER TO
18 ROMOLAND, RIVERSIDE COUNTY,) ABATE NUISANCE
19 CALIFORNIA; RICHARD WARD, OWNER.)
20 R.C.O. Nos. 348, 541 and 725
21

22 The above-captioned matter came on regularly for hearing on May 21, 2013, before the Board
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
25 described as 27854 Calle De Leon, Romoland, Riverside County, California and further described as
26 Assessor's Parcel Number 327-062-012 and referred to hereinafter as "THE PROPERTY."

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

Owner appeared and addressed the Board of Supervisors.

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

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Richard Ward, hereinafter referred to as "OWNER."

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Chapel Funding Corporation, Recontrust Company, Deutsche Bank National Trust Company C/O BAC Homes Loans Servicing, Ticor Title Company hereinafter collectively referred to as "INTERESTED PARTIES."

3. THE PROPERTY was inspected by Code Enforcement Officers on July 16, 2010, January 4, 2011, February 4, 2011, June 11, 2011, June 24, 2011, September 9, 2011, November 29, 2011, July 9, 2012, August 29, 2012, January 8, 2013, January 16, 2013, and May 17, 2013.

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: scrap metal, tires, fencing and building materials, shipping containers, boxes, crates, dismantled bicycles, pallets and asphalt. Given the size of the parcel (1.07 acres) and the zoning classification (Rural Residential) two hundred (200) square feet of outside storage 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 Proceeding was recorded on July 20, 2011, as Document Number 2011-031743 in the Office of the County Recorder, County of Riverside.

7. On July 16, 2010, June 24, 2011, and July 9, 2012, Notices of Violation for violation of Riverside County Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On July 19, 2010 and June 27, 2011, Notice of Violation was mailed to OWNER and 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 May 21, 2013, was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on May 21, 2013, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at 27854 Calle De Leon, Romoland, Riverside County, California, also
6 identified as Assessor's Parcel Number 327-062-012 violates Riverside County Ordinance Nos. 348
7 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348 and the
8 zoning classification, two hundred (200) square feet of outside storage of materials is allowed to be
9 stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is
10 allowed to be accumulated on THE PROPERTY.

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

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

20 **ORDER TO ABATE NUISANCE**

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

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
11 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
12 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
13 collection and administrative costs, attorneys fees, and the costs associated with the removal or
14 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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4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
John J. Benoit
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13 (SEAL)