

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

403 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
July 25, 2013

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 12-03396 [ESTATE OF IRVIN TESKEY]  
Subject Property: 18241 Blythe Way, Blythe, APN: 879-300-014  
District: 4/4

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 12-03396 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 12-03396; 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 12-03396.

Departmental Concurrence

(Continued)

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

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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.:

2013 JUL 31 PM 2:17  
COUNTY OF RIVERSIDE  
REGISTERED MAIL ROOM

Order to Abate  
Case No. CV12-03396 [ESTATE OF IRVIN TESKEY]  
18241 Blythe Way, Blythe  
APN#879-300-014  
District 4/4  
Page 2

**BACKGROUND:**

On July 16, 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 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-03396  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; )  
16 APN 879-300-014, 18241 BLYTHE WAY, ) FINDINGS OF FACT,  
17 BLYTHE, RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
18 ESTATE OF IRVIN TESKEY, OWNER. ) ABATE NUISANCE  
19 ) R.C.O. Nos. 348, 541 and 725  
20 )

21 The above-captioned matter came on regularly for hearing on July 16, 2013, before the Board  
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
24 described as 18241 Blythe Way, Blythe, Riverside County, California and further described as  
25 Assessor’s Parcel Number 879-300-014 and referred to hereinafter as “THE PROPERTY.”

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

28 Owner did not appear.

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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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of  
3 THE PROPERTY as Estate of Irvin Teskey, hereinafter referred to as “OWNER.”

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Wanda Lee Teskey and Richard F. Teskey hereinafter collectively referred  
6 to as “INTERESTED PARTIES.”

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 6, 2012, July  
8 11, 2012, September 5, 2012, October 12, 2012, November 21, 2012, November 30, 2012, January 9,  
9 2013 and February 27, 2013.

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: metal, plastic, wood, scrap wood, appliances, furniture, scrap boats, fiberglass  
13 products, metal barrels, and approximately 200 tires. Given the size of the parcel (2.5 acres) and the  
14 zoning classification (R-T- R – Mobile Home Subdivisions – Rural) no amount of outside storage or  
15 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 Proceeding was recorded on July 25, 2012,  
19 as Document Number 2012-0349085 in the Office of the County Recorder, County of Riverside.

20 7. On June 6, 2012, a Notice of Violation for violation of Riverside County Ordinance  
21 Nos. 348 and 541 was posted on THE PROPERTY. On June 7, 2012, Notice of Violation was  
22 mailed to OWNER and on November 28, 2012 and December 3, 2012, was mailed to OWNER and  
23 INTERESTED PARTIES by certified mail, return receipt requested.

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 July 16, 2013,  
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 July 16, 2013, finds and concludes that:

2 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
3 the real property located at 18241 Blythe Way, Blythe, Riverside County, California, also identified  
4 as Assessor's Parcel Number 879-300-014 violates Riverside County Ordinance Nos. 348 and 541  
5 and constitutes a public nuisance. Under Riverside County Ordinance No. 348 and the zoning  
6 classification, no amount of outside storage of materials is allowed to be stored on THE  
7 PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be  
8 accumulated on THE 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 Estate of Irvin  
21 Teskey, or anyone having possession or control of THE PROPERTY, by removing all of the outside  
22 storage of materials and removing and disposing of all accumulated rubbish from the subject real  
23 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 J. Benoit  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)