

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

614B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-03447 [JOHNSON]
Subject Property: 43355 Beverlee Circle, Hemet; APN: 549-222-015
District: 3/3 [\$0.00]


RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03447.

BACKGROUND:

Summary

On April 22, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative (Continued)


L. ALEXANDRA FONG
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	


SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added

Change Order

A-30

4/5 Vote

Prev. Agn. Ref.: 04/22/14; 9.3

District: 3/3

Agenda Number:

2-13

Departmental Concurrence

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV13-03447 [JOHNSON]

Subject Property: 43355 Beverlee Circle, Hemet; APN: 549-222-015

District: 3/3 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 13-03447
12	[EXCESSIVE OUTSIDE STORAGE AND)	
13	ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
14	APN 549-222-015, 43355 BEVERLEE CIRCLE,)	CONCLUSIONS AND ORDER TO
15	HEMET; RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
16	PHILLIP T. JOHNSON, MARY V. JOHNSON,)	
	AND KEVIN PHILLIP JOHNSON, OWNERS.)	R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on April 22, 2014, 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 43355 Beverlee Circle, Hemet, Riverside County, Assessor's Parcel Number 549-
21 222-015 and referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 The new property owner appeared at the hearing, but did not address the Board of
25 Supervisors.

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

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Phillip T. Johnson, Mary V. Johnson, and Kevin Phillip Johnson
5 ("OWNERS").

6 2. Documents of title indicate that other parties may potentially hold a legal interest in
7 THE PROPERTY, to wit: American General Financial Services, Inc., Phillip T. Johnson and Mary
8 V. Johnson, Trustees of the Phillip T. Johnson and Mary V. Johnson Living Trust dated June 27,
9 2013, State of California Franchise Tax Board, and Internal Revenue Service.

10 3. THE PROPERTY was inspected by Code Enforcement Officers on October 8, 2013,
11 October 24, 2013, December 26, 2013, March 7, 2014, and April 21, 2014.

12 4. During each inspection an accumulation of rubbish and excess outside storage was
13 observed throughout THE PROPERTY consisting of but not limited to: ladders, discarded furniture,
14 bicycles, Christmas tree stand, plastic storage tubs, plastic crates, scrap metal, scrap wood, metal,
15 burnt books, magazines, wood, quad, outdoor fire pit, lawn chairs, dog crates, vehicle parts,
16 mattresses, chairs, bed frame, sliding closet doors, sewage pipe, yard tools, plastic 5 gallon buckets,
17 couch, cabinets, bedding, clothes, appliances, dresser, exercise equipment, picture frames, ice chest,
18 gardening items, laundry baskets, cans of paint and oil, miscellaneous chemicals, used tires, wagon,
19 portable closets, storage sheds, refrigerators, baby seats, floor lights, shopping baskets, boogie board,
20 wood laminate flooring; electrical cords, clay pigeons, tool chest, tools, tables, air compressor,
21 hunting decoys and miscellaneous items in excess of 1,725 square feet.

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

24 6. On November 5, 2013 and January 8, 2014, Notices of Pendency of Administrative
25 Proceedings were recorded at the Riverside County Recorder's Office as instrument numbers 2013-
26 524710 and 2014-0008374.

27 7. On October 8, 2013, a Notice of Violation was posted on THE PROPERTY. On
28 October 9, 2013, a Notice of Violation was mailed to OWNERS by certified mail with return receipt

1 requested and on October 10, 2013, a Notice of Violation was mailed by first class mail to
2 OWNERS. On December 26, 2013, a Notice of Violation was mailed to INTERESTED PARTIES
3 by first class mail.

4 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
5 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
6 INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on April 22, 2014, finds and concludes that:

10 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
11 on the real property located at 43355 Beverlee Circle, Hemet, Riverside County, California, also
12 identified as Assessor's Parcel Number 549-222-015 violates Riverside County Ordinance Nos. 348
13 and 541 and constitutes a public nuisance.

14 2. WHEREAS, the OWNERS occupants and any other person having possession or
15 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
16 materials by removing and disposing of all rubbish and excessive outside storage on THE
17 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
18 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
26 on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE
27 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
28 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
2 mailing of this Order to Abate Nuisance.

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

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

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1 Department will be recoverable from OWNERS 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 _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong DATE 5/16/14
L. ALEXANDRA FONG