

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

601B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 18, 2014

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV11-04271 [ESTATE OF BYRON E. WRIGHT]
Subject Property: Vacant Lot on Baldwin Ave., Lakeland Village
APN: 381-245-014
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-04271;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-04271; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-04271.

BACKGROUND:

Summary

On August 5, 2014, this Board held a public hearing, received the declaration of the Code Enforcement Officer and attached evidence 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 (Continued)

GREGORY P. PRIAMOS
County Counsel

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

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 08/05/14; 9.2 | District: 1/1 | Agenda Number:

2-4

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. CV11-04271 [ESTATE OF BYRON E. WRIGHT]

Subject Property: Vacant Lot on Baldwin Ave., Lakeland Village

APN: 381-245-014

District: 1/1 [\$0.00]

DATE: September 18, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

property owner to abate the violative 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

FORM APPROVED COUNTY COUNSEL
BY: *Lisa A. Tragan* 8/21/14 DATE
LISAA. TRAGAN

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, Senior 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 11-04271
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 381-245-014, VACANT LOT ON BALDWIN) CONCLUSIONS AND ORDER TO
15 AVE., LAKELAND VILLAGE, RIVERSIDE) ABATE NUISANCE
16 COUNTY, CALIFORNIA; ESTATE OF BYRON)
17 E. WRIGHT, OWNER.) R.C.O. Nos. 348, 541 and 725

18 The above-captioned matter came on regularly for hearing on August 5, 2014, before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21 property described as Vacant Lot on Baldwin Ave., Lakeland Village, Riverside County, Assessor's
22 Parcel Number 381-245-014 and referred to hereinafter as "THE PROPERTY."

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

25 Owner did not appear.

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
a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Estate of Byron E. Wright (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Brad Bielec and Michael Crosby (hereinafter referred to as
6 “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 2, 2011,
8 April 6, 2012, and on 16 other subsequent inspections, the last occurred on June 4, 2014.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: household trash, debris,
11 boxes, over 25 tires, furniture, shelving, pipes, wood, plastic storage totes, and miscellaneous items
12 in excess of 1,100 square feet.

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

15 6. On August 13, 2012, a Notice of Pendency of Administrative Proceedings was
16 recorded at the Riverside County Recorder’s Office as instrument number 2012-0383913.

17 7. On June 2, 2011 and April 15, 2014, a Notice of Violation was posted on THE
18 PROPERTY. On June 6, 2011 and September 26, 2012, a Notice of Violation was mailed to
19 OWNER by first class mail. On April 15, 2014, a Notice of Violation was mailed to OWNER and
20 INTERESTED PARTIES by certified mail with return receipt requested. On May 19, 2014, a Notice
21 of Violation was mailed to INTERESTED PARTIES.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
23 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
24 INTERESTED PARTIES on July 1, 2014, and was posted on THE PROPERTY on July 2, 2014.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on August 5, 2014, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish

1 on the real property located at Vacant Lot on Baldwin Ave., Lakeland Village, Riverside County,
2 California, also identified as Assessor's Parcel Number 381-245-014 violates Riverside County
3 Ordinance Nos. 348 and 541 and constitutes a public nuisance.

4 2. WHEREAS, the OWNER, INTERESTED PARTIES, occupants and any other person
5 having possession or control of THE PROPERTY shall abate the accumulation of rubbish and
6 excessive outside storage of materials by removing and disposing of all rubbish and excessive
7 outside storage on THE PROPERTY in strict accordance with all Riverside County Ordinances,
8 including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

9 3. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
10 NOTICED that the time within which judicial review of the administrative determinations made
11 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
12 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
13 Section 1094.6.

14 **ORDER TO ABATE NUISANCE**

15 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
16 on THE PROPERTY be abated by OWNER, INTERESTED PARTIES, or anyone having possession
17 or control of THE PROPERTY by removing and disposing of all rubbish and excessive outside
18 storage of materials on THE PROPERTY (including, but not limited to household trash, debris,
19 boxes, over 25 tires, furniture, shelving, pipes, wood, plastic storage totes, and miscellaneous items
20 in excess of 1,100 square feet) in strict accordance with all Riverside County Ordinances, including
21 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the
22 posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
24 storage of materials is not removed and disposed of in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
26 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
27 outside storage of materials may be abated and disposed of by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
6 costs" means any costs or expenses, including County staff time reasonably related to the abatement
7 of conditions which violate Land Use Ordinances, and shall include, but not be limited to,
8 enforcement, investigation, summaries, reports, notices, telephonic contact, correspondence, mailing
9 expense, title search costs, administrative costs including scheduling and participation at hearings,
10 Hearing Officer costs, expenses incurred by the County, court costs, civil or administrative penalties,
11 collection, attorneys' fees, and other costs associated with the removal, abatement or correction of a

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1 violation. Reasonable abatement costs accrued by the County of Riverside will be recoverable from
2 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
3 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)