

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

602B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:

September 18, 2014

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage & Accumulated Rubbish]

Case No: CV12-05805 [GOOD LAND INVESTEMNTS IV AND
AUSPICIOUS INVESTEMENTS CORPORATION]

Subject Property: 1 Parcel South of 30570 Brookstone Lane, Lake Elsinore;
APN: 387-280-001
District: 1/1 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The excess outside storage of materials and accumulation of rubbish on the real property located at 1 Parcel South of 30570 Brookstone Lane, Lake Elsinore, Riverside County, California, APN: 387-280-001 be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541.
2. Good Land Investments IV and Auspicious Investments Corporation, the owners of the subject real property be directed to abate the excess outside storage and accumulated rubbish on the property by removing the same from the real property within ninety (90) days.

[Signature]
GREG FLANNERY
Code Enforcement Official

(Continued)

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

SOURCE OF FUNDS	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* L. ALEXANDRA FONG
DATE: 6/23/14
Departmental Concurrence

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

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

9-5

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

**FORM 11: Abatement of Public Nuisance [Excessive Outside Storage & Accumulated Rubbish]
Case No: CV12-05805 [GOOD LAND INVESTMENTS IV AND
AUSPICIOUS INVESTMENTS CORPORATION]
Subject Property: 1 Parcel South of 30570 Brookstone Lane, Lake Elsinore
APN: 387-280-001
District: 1/1**

DATE: September 18, 2014

PAGE: 2 of 3

RECOMMENDED MOTION (continued):

3. If the owners or whoever has possession of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the excess outside storage and accumulation of rubbish by removing and disposing of the same from the real property.

4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.

5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made on the subject property by Senior Code Enforcement Officer Cynthia Black on October 31, 2012. The Inspection revealed the excess outside storage of chairs, containers, tarps, screen door and an accumulation of rubbish on the subject property in violation of Riverside County Ordinances Nos. 348 and 541. The items included but were not limited to: trash, metal, litter, chairs, containers, tarps, screen doors, stacks of wood, panels, discarded items, furniture and other miscellaneous items.

2. Follow up inspections of the above-described real property on February 1, 2013, April 1, 2013, July 23, 2013, February 4, 2014 and March 17, 2014 revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348 and 541.

3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of the excess outside storage and accumulated rubbish.

Impact on Citizens and Businesses

Failure to abate will have a negative impact on citizens or businesses due to health and safety hazards, nuisance, and potential impact on real estate values.

SUPPLEMENTAL:

N/A

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**FORM 11: Abatement of Public Nuisance [Excessive Outside Storage & Accumulated Rubbish]
Case No: CV12-05805 [GOOD LAND INVESTMENTS IV AND
AUSPICIOUS INVESTMENTS CORPORATION]
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APN: 387-280-001
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PAGE: 3 of 3

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

1 **BOARD OF SUPERVISORS**
2 **COUNTY OF RIVERSIDE**

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 12-05805
4 [EXCESS OUTSIDE STORAGE AND)
5 ACCUMULATED RUBBISH]; APN: 387-280-001, 1) DECLARATION OF CODE
6 PARCEL SOUTH OF 30570 BROOKSTONE LANE,) ENFORCEMENT OFFICER
7 LAKE ELSINORE, COUNTY OF RIVERSIDE,) CYNTHIA BLACK
8 STATE OF CALIFORNIA; GOOD LAND)
9 INVESTMENTS IV AND AUSPICIOUS)
10 INVESTMENTS CORPORATION, OWNERS.) [RCO Nos. 348 & 541]

11 I, Cynthia Black, declare that the facts set forth below are personally known to me except to
12 the extent that certain information is based on information and belief which I believe to be true, and if
13 called as a witness, I could and would competently testify thereof under oath:

14 1. I am currently employed by the Riverside County Code Enforcement Department as a
15 Senior Code Enforcement Officer. My current official duties as a Senior Code Enforcement Officer
16 include inspecting property for violations and enforcement of the provisions of Riverside County
17 Ordinances.

18 2. On October 31, 2012, I conducted an initial inspection of the real property described as 1
19 Parcel South of 30570 Brookstone Lane, Lake Elsinore, Riverside County, California and further
20 described as Assessor's Parcel Number 387-280-001 (hereinafter described as "THE PROPERTY"). A
21 true and correct copy of a Thomas Brothers map page indicating the location of THE PROPERTY is
22 attached hereto and incorporated herein by reference as Exhibit "A."

23 3. A review of County records and documents disclosed that THE PROPERTY is owned by
24 Good Land Investments IV and Auspicious Investment Corporation (hereinafter referred to as
25 "OWNERS"). A certified copy of the County Equalized Assessment Roll for 2013-2014 tax year and a
26 copy of the report generated from the County Geographic Information System ("GIS") is attached hereto
27 and incorporated herein by reference as Exhibit "B." THE PROPERTY is approximately 8.39 acres in
28 size, is unimproved, and is located within the R-R (Rural Residential) zone classification. Since this is an
unimproved parcel, no amount of excessive outside storage is allowed on THE PROPERTY.
Accumulated rubbish is not permitted to be located on any property within the County of Riverside.

1 4. Based on the Lot Book Report from RZ Title Service dated January 28, 2014, there
2 appear to be no interested parties. A true and correct copy of the Lot Book Report is attached hereto and
3 incorporated herein by reference as Exhibit "C."

4 5. On October 31, 2012, I arrived at THE PROPERTY to conduct an initial inspection. From
5 the road right of way, I observed excess outside storage and accumulated rubbish on THE PROPERTY,
6 consisting of aged lumber and other assorted wood. On February 14, 2013, I conducted a follow up
7 inspection. I observed the outside storage of material and accumulated rubbish were intermingled and
8 consisted of, but was not limited to: trash, litter, wood, discarded items, screen doors, furniture and other
9 miscellaneous items in excess of 4,800 square feet.

10 6. As a result of the excess outside storage of materials and accumulated rubbish, THE
11 PROPERTY constituted a public nuisance in violation of the provisions set forth in Riverside County
12 Ordinance ("RCO") Nos. 348 and 541.

13 7. On February 21, 2013, Code Enforcement received a letter from Reed Nichols
14 ("NICHOLS") dated February 19, 2013. In the letter, NICHOLS states that he is a tenant ("TENANT") at
15 THE PROPERTY.

16 8. On February 21, 2013, April 1, 2013 and March 17, 2014, a Notice of Violation for the
17 excess outside storage of materials and accumulated rubbish was posted on THE PROPERTY.

18 9. On February 21, 2013, Notice of Violation was mailed to OWNERS and TENANT by
19 certified mail with return receipt requested. On March 5, 2014, Notice of Violation was mailed to
20 OWNERS by certified mail with return receipt requested.

21 10. A site plan and photographs depicting the conditions of THE PROPERTY are attached
22 hereto and incorporated herein by reference as Exhibit "D."

23 11. True and correct copies of each Notice issued in this matter and other supporting
24 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

25 12. Follow up inspections on the above described real property on April 1, 2013, July 23, 2013
26 February 4, 2014 and March 17, 2014, revealed the accumulated rubbish and excess outside storage
27 observed on February 14, 2013 remains on THE PROPERTY which continues to be in violation of RCO
28 Nos. 348 and 541.

1 13. Based upon my experience, knowledge and visual observations, it is my determination
2 that the conditions on THE PROPERTY are dangerous to the neighboring property owners and the
3 general public.

4 14. Furthermore, a recent inspection showed THE PROPERTY remained in violation of RCO
5 Nos. 348 and 541.

6 15. I am informed and believe and, based upon said information and belief, allege that the
7 OWNERS do not have legal authority or permission to store or accumulate the above described
8 materials on THE PROPERTY.

9 16. A Notice of Pendency of Administrative Proceedings was recorded in the Office of the
10 County Recorder, County of Riverside, State of California, on March 12, 2013, as Instrument Number
11 2013-0119545. A true and correct copy is attached hereto and incorporated herein by reference as
12 Exhibit "F."

13 11. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing
14 notice of the Board of Supervisors' hearing as required by RCO No. 725 was mailed to OWNERS and
15 TENANT by first class mail and was posted on THE PROPERTY. True and correct copies of the Notices,
16 together with the Proofs of Service, and the Affidavit of Posting of Notices are attached hereto and
17 incorporated herein by reference as Exhibit "G."

18 12. The removal of all accumulated rubbish and all excess outside storage of materials
19 currently on THE PROPERTY is required to bring THE PROPERTY into compliance with RCO Nos. 348
20 and 541, and the Health and Safety Code. Since the parcel is unimproved, no amount of outside storage
21 is allowed on THE PROPERTY under RCO No. 348. Under RCO No. 541, no amount of rubbish is
22 allowed to be accumulated on THE PROPERTY.

23 13. Accordingly, the following findings and conclusions are recommended:

24 (a) the excess outside storage of materials and accumulated rubbish on THE
25 PROPERTY to be deemed and declared a public nuisance; and

26 (b) the OWNERS, or whoever has possession or control of THE PROPERTY, be
27 required to remove all outside storage of material and accumulated rubbish on THE PROPERTY in strict
28 accordance with the provisions of RCO Nos. 348 and 541.

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

7 (d) that reasonable costs of abatement, after notice and opportunity for hearing, shall
8 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
9 PROPERTY pursuant to Government Code Section 25845 and RCO No. 725.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct.

12 Executed this 12th day of June, 2014, at Murrieta, California.

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15 CYNTHIA BLACK
16 Senior Code Enforcement Officer
17 Code Enforcement Department
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