

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

211B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV11-01191 [FRANKE]
Subject Property: 33168 Gillette Street, Lake Elsinore
APN: 383-041-048
District: 1/1 [\$0.00]

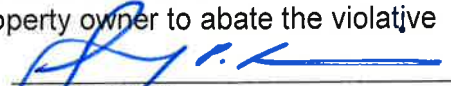
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-01191;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-01191; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-01191.

BACKGROUND:

Summary

On October 7, 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 owner to abate the violative (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

County Executive Office Signature

BY: 
Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 10/07/14; 9.1 | District: 1/1 | Agenda Number:

2-11

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. CV11-01191 [FRANKE]

Subject Property: 33168 Gillette Street, Lake Elsinore

APN: 383-041-048

District: 1/1 [\$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, 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 11-01191
12	[EXCESSIVE OUTSIDE STORAGE AND)	
13	ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
14	APN 383-041-048, 33168 GILLETTE STREET,)	CONCLUSIONS AND ORDER TO
15	LAKE ELSINORE, RIVERSIDE COUNTY,)	ABATE NUISANCE
16	CALIFORNIA; CHRISTINE F. FRANKE,)	
	OWNER.)	R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on October 7, 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 33168 Gillette Street, Lake Elsinore, Riverside County, Assessor's Parcel
21 Number 383-041-048 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner appeared, but did not address the Board of Supervisors.

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

4 2. Documents of title indicate that no other parties appear to potentially hold a legal
5 interest in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 14, 2014,
7 and on fourteen (14) subsequent inspections, the last being October 3, 2014.

8 4. During each inspection an accumulation of rubbish and excess outside storage was
9 observed throughout THE PROPERTY consisting of but not limited to: refrigerators, auto parts,
10 scrap metal, bottles, cartons, plastic, approximately 15 tires, wood, litter, household trash, and
11 miscellaneous items, in excess of 2,700 square feet.

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

14 6. On July 2, 2012, a Notice of Pendency of Administrative Proceedings was recorded at
15 the Riverside County Recorder’s Office as instrument number 2012-0305920.

16 7. On June 12, 2012 and May 20, 2014, a Notice of Violation was posted on THE
17 PROPERTY. On June 14, 2012 and May 16, 2014, a Notice of Violation was mailed to OWNER by
18 first class mail.

19 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
20 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
21 was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on October 7, 2014, finds and concludes that:

25 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
26 on the real property located at 33168 Gillette Street, Lake Elsinore, Riverside County, California,
27 also identified as Assessor's Parcel Number 383-041-048 violates Riverside County Ordinance Nos.
28 348 and 541 and constitutes a public nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

11 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
12 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
13 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
14 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
15 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
16 mailing of this Order to Abate Nuisance.

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, “abatement
28 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

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Department will be recoverable from OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)