

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

307 B



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

**SUBMITTAL DATE:**  
June 17, 2015

**SUBJECT:** Order to Abate [Excessive Outside Storage]  
Case No. CV12-02108 [EATHERTON]  
Subject Property: 28870 Lakeview Avenue, Nuevo  
APN: 307-190-020  
District: 5 [\$0.00]

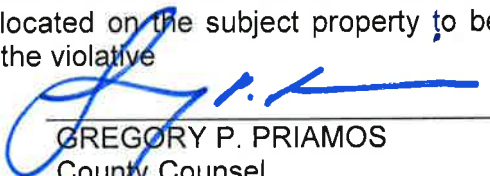
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02108;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02108; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02108.

**BACKGROUND:**

**Summary**

On June 2, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage 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

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.: 06/02/15; 9.6

District: 5

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]**  
**Case No. CV12-02108 [EATHERTON]**  
**Subject Property: 28870 Lakeview Avenue, Nuevo**  
**APN: 307-190-020**  
**District: 5 [\$0.00]**

**DATE: June 17, 2015**

**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:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3

4  
5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
Regina Keyes, Senior Code Enforcement Officer  
7 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-02108  
12 [EXCESSIVE OUTSIDE STORAGE]; )  
APN 307-190-020, 28870 LAKEVIEW AVENUE, )  
13 NUEVO, RIVERSIDE COUNTY, CALIFORNIA; ) FINDINGS OF FACT,  
DAN W. EATHERTON AND CAROLLE R. ) CONCLUSIONS AND ORDER TO  
14 EATHERTON, OWNERS. ) ABATE NUISANCE  
15 ) R.C.O. Nos. 348 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on June 2, 2015, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described 28870 Lakeview Avenue, Nuevo, Riverside County, Assessor's Parcel Number 307-190-  
21 020 and referred to hereinafter as "THE PROPERTY."

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

24 Owners did not appear.

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 on THE PROPERTY as  
27 violations of Riverside County Ordinance No. 348 and as a public nuisance.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners  
3 of THE PROPERTY as Dan W. Eatherton and Carolle R. Eatherton (“OWNERS”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest  
5 in THE PROPERTY, to wit: State of California Franchise Tax Board and State of California Board  
6 of Equalization (hereinafter referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 29, 2013,  
8 and on five (5) subsequent follow up inspections, with the last inspection occurring on May 29,  
9 2015.

10 4. During each inspection excessive outside storage was observed throughout THE  
11 PROPERTY consisting of but not limited to: irrigation piping, scrap wood, masonry supplies,  
12 construction supplies and equipment, in excess of 99,752 square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
14 No. 348 by the Code Enforcement Officer.

15 6. On October 2, 2013, a Notice of Pendency of Administrative Proceedings was  
16 recorded at the Riverside County Recorder’s Office as instrument number 2013-0475671.

17 7. On September 10, 2013, a Notice of Violation was posted on THE PROPERTY. On  
18 September 20, 2013, a Notice of Violation was mailed to OWNERS by certified mail with return  
19 receipt requested. On November 20, 2014, a Notice of Violation was mailed to OWNERS and  
20 INTERESTED PARTIES by certified mail with return receipt requested.

21 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
22 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and  
23 INTERESTED PARTIES and was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on June 2, 2015, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials on the real property located at  
28 28870 Lakeview Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel

1 Number 307-190-020 violates Riverside County Ordinance No. 348 and constitutes a public  
2 nuisance.

3 2. WHEREAS, the OWNERS, occupants and any other person having possession or  
4 control of THE PROPERTY shall abate the excessive outside storage of materials by removing and  
5 disposing of all excessive outside storage on THE PROPERTY in strict accordance with all  
6 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348  
7 within ninety (90) days.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS ORDERED that the excessive outside storage of materials on THE PROPERTY be  
15 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and  
16 disposing of all excessive outside storage of materials on THE PROPERTY in strict accordance with  
17 all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348,  
18 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

19 IT IS FURTHER ORDERED that if the excessive outside storage of materials is not removed  
20 and disposed of in strict accordance with all Riverside County Ordinances, including but not limited  
21 to Riverside County Ordinance No. 348 within ninety (90) days of the date of this Order to Abate  
22 Nuisance, the excessive outside storage of materials may be abated and disposed of by  
23 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's  
24 Department upon receipt of an owner's consent or a Court Order when necessary under applicable  
25 law.

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 348 and 725. Under Riverside County Ordinance No. 725, “abatement  
2 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate  
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
5 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement  
6 Department will be recoverable from OWNERS even if THE PROPERTY is brought into  
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)



# CV12-02108

28870 Lakeview Avenue, Nuevo APN: 307-190-020



## Legend

- RCLIS Parcels
- TBM Page
- TBM Grid



0 463 927 Feet



REPORT PRINTED ON... 6/17/2015 7:52:25 AM

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## Notes

Thomas Bros Page 778  
Grid H6