

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

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

**SUBMITTAL DATE:**  
August 5, 2015

**SUBJECT:** Order to Abate [Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV11-06777 [ESTATE OF GUESS]  
Subject Property: 32840 9<sup>th</sup> Avenue, Winchester  
APN: 462-130-030  
District: 3 [\$0.00]

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06777;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06777; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06777.

**BACKGROUND:**

**Summary**

On June 30, 2015, 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 type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

**SOURCE OF FUNDS:** \_\_\_\_\_ **Budget Adjustment:** \_\_\_\_\_  
For Fiscal Year: \_\_\_\_\_

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Alex Gann

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

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. CV11-06777 [ESTATE OF GUESS]

Subject Property: 32840 9<sup>th</sup> Avenue, Winchester

APN: 462-130-030

District: 3 [\$0.00]

**DATE:** August 5, 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:  
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 11-06777  
12 [EXCESSIVE OUTSIDE STORAGE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 462-130-030, 32840 9<sup>TH</sup> AVENUE, ) CONCLUSIONS AND ORDER TO  
15 WINCHESTER, RIVERSIDE COUNTY, ) ABATE NUISANCE  
16 CALIFORNIA; THE ESTATE OF SUE GUESS, )  
17 OWNER AND TOM SHANLEY, OCCUPANT. ) R.C.O. Nos. 348, 541 and 725

18 The above-captioned matter came on regularly for hearing on June 30, 2015, before the Board  
19 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
20 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
21 described as 32840 9<sup>th</sup> Avenue, Winchester, Riverside County, Assessor’s Parcel Number 462-130-  
22 030 and referred to hereinafter as “THE PROPERTY.”

23 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code  
24 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 The Estate of Sue Guess (“OWNER”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest  
5 in THE PROPERTY, to wit: Argent Mortgage Company, LLC, JPMC Specialty Mortgage LLC, and  
6 Mortgage Electronic Registration Systems., Inc., acting as a nominee for JP Morgan Chase Bank  
7 National Association (hereinafter referred to as “INTERESTED PARTIES”). THE PROPERTY is  
8 occupied by Tom Shanley (“OCCUPANT”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on August 11, 2014,  
10 and on six (6) subsequent follow up inspections, with the last being June 23, 2015.

11 4. During each inspection an accumulation of rubbish and excess outside storage was  
12 observed throughout THE PROPERTY consisting of but not limited to: dead vegetation, boxes,  
13 trash, 15 tires, plastic crates, tools, extension cords, engine hoist, engine parts, scrap metal, barrels,  
14 chairs, furniture and miscellaneous items, in excess of 3,500 square feet.

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

17 6. On February 18, 2015, a Notice of Pendency of Administrative Proceedings was  
18 recorded at the Riverside County Recorder’s Office as instrument number 2015-0064980.

19 7. On August 14, 2014, a Notice of Violation was mailed to OWNER, OCCUPANT,  
20 and INTERESTED PARTIES by first class mail and was posted on THE PROPERTY on August 20,  
21 2014. On January 8, 2015, a Notice of Violation was mailed to OWNER by first class mail.

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,  
24 OCCUPANT and INTERESTED PARTIES and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on June 30, 2015, finds and concludes that:

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

1 on the real property located at 32840 9<sup>th</sup> Avenue, Winchester, Riverside County, California, also  
2 identified as Assessor's Parcel Number 462-130-030 violates Riverside County Ordinance Nos. 348  
3 and 541 and constitutes a public nuisance.

4 2. WHEREAS, the OWNER, occupants and any other person having possession or  
5 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
6 materials by removing and disposing of all rubbish and excessive outside storage in excess of two  
7 hundred (200) square feet on THE PROPERTY in strict accordance with all Riverside County  
8 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
9 (90) days.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials  
17 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE  
18 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials in  
19 excess of two hundred (200) square feet on THE PROPERTY in strict accordance with all Riverside  
20 County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541,  
21 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

22 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
23 storage of materials in excess of two hundred (200) square feet are not removed and disposed of in  
24 strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
25 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate  
26 Nuisance, the accumulation of rubbish and excessive outside storage of materials may be abated and  
27 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor  
28 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary

1 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 reasonably related to the abatement of conditions which violate  
7 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
8 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
9 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from OWNER 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 \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)