

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

708 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 5, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-00973 [O'BRIEN]
Subject Property: 31110 Olive Avenue, Winchester
APN: 462-030-009
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. CV14-00973;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00973; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00973.

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

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

Prev. Agn. Ref.: 06/30/15; 9.6 | District: 3 | Agenda Number:

2-36

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. CV14-00973 [O'BRIEN]

Subject Property: 31110 Olive Avenue, Winchester;

APN: 462-030-009

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 14-00973
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 462-030-009, 31110 OLIVE AVENUE,) CONCLUSIONS AND ORDER TO
15 WINCHESTER, RIVERSIDE COUNTY,) ABATE NUISANCE
16 CALIFORNIA; TIMOTHY J. O'BRIEN, OWNER.) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on June 30, 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 as 31110 Olive Avenue, Winchester, Riverside County, Assessor's Parcel Number 462-
21 030-009 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 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 and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
28 a public nuisance.

SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Timothy J. O’Brien (“OWNER”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Bank of America National Trust and Savings Association, a National
6 Banking Association, Eastern Municipal Water District, Kenneth M. Olson and Gayle A. Olson,
7 Trustees of the Kenneth M. and Gayle A. Olson Trust dated September 26, 1991, and Victoria
8 Hartwig (hereinafter referred to as “INTERESTED PARTIES”). THE PROPERTY is occupied by
9 Sheryl Ann O’Brien (hereinafter referred to as (“OCCUPANT”).

10 3. THE PROPERTY was inspected by Code Enforcement Officers on April 09, 2014,
11 and on eight (8) subsequent follow up inspections, with the last inspection being June 23, 2015.

12 4. During each inspection an accumulation of rubbish and excess outside storage was
13 observed throughout THE PROPERTY consisting of but not limited to: desks, couches, carpet, a
14 toilet, tarps, buckets, and other miscellaneous items in excess of 750 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 2015-0064977.

19 7. On April 9, 2014, a Notice of Violation was signed by the OCCUPANT. On April
20 24, 2014, a Notice of Violation was mailed to OWNER and OCCUPANT by certified mail with
21 return receipt requested and by first class mail. On August 19, 2014, a Notice of Violation was
22 mailed to OWNER and INTERESTED PARTIES by first class mail and was posted on THE
23 PROPERTY on August 20, 2014. On October 1, 2014, a Notice of Violation was mailed to
24 OWNER by first class mail.

25 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
26 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER,
27 OCCUPANT and INTERESTED PARTIES, by first class mail and was posted on THE
28 PROPERTY.

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FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the real property located at 31110 Olive Avenue, Winchester, Riverside County, California, also identified as Assessor's Parcel Number 462-030-009 violates Riverside County Ordinance Nos. 348 and 541 and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

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

IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside storage of materials is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive

1 outside storage of materials may be abated and disposed of by representatives of the Riverside
2 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
3 owner's consent or a Court Order when necessary under applicable law.

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
5 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
6 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
7 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
8 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
9 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
10 collection and administrative costs, attorneys fees, and the costs associated with the removal or
11 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)