

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

4/2B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-04141 [HANELINE]
Subject Property: Vacant Parcel on Raley Avenue and Blackwell, Lakeland Village;
APN: 381-245-004
District: 1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-04141;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-04141; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-04141.

BACKGROUND:

Summary

On September 1, 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 checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added

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Change Order

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A-30

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4/5 Vote

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Prev. Agn. Ref.: 09/01/15; 9.2

District: 1

Agenda Number:

2-7

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV13-04141 [HANELINE]

Subject Property: Vacant Parcel on Raley Avenue and Blackwell, Lakeland Village;

APN: 381-245-004

District: 1 [\$0.00]

DATE: October 6, 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

6 WHEN RECORDED PLEASE MAIL TO:
7 Michelle Cervantes, Senior Code Enforcement Officer
8 Regina Keyes, Senior Code Enforcement Officer
9 CODE ENFORCEMENT DEPARTMENT
10 4080 Lemon Street, Twelfth Floor (Stop #1012)
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 13-04141
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 381-245-004, VACANT PARCEL ON)	CONCLUSIONS AND ORDER TO
RALEY AVENUE AND BLACKWELL,)	ABATE NUISANCE
LAKELAND VILLAGE, RIVERSIDE COUNTY,)	
CALIFORNIA; JEFF HANELINE AND HEIDI)	R.C.O. Nos. 348, 541 and 725
HANELINE, OWNERS.)	

17 The above-captioned matter came on regularly for hearing on September 1, 2015, 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 as Vacant Parcel on Raley Avenue and Blackwell, Lakeland Village, Riverside
21 County, Assessor's Parcel Number 381-245-004 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 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 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 owners
3 of THE PROPERTY as Jeff Haneline and Heidi Haneline ("OWNERS").

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Internal Revenue Service (hereinafter referred to as "INTERESTED
6 PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 23, 2013
8 and on twelve (12) subsequent inspections, the last being August 27, 2015.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: household trash, broken
11 furniture, discarded wood, discarded cardboard boxes, motorcycle parts, building materials, wood,
12 metal, tools, personal items and other miscellaneous items.

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

15 6. On October 29, 2013, a Notice of Violation was mailed to OWNER, Jeff Haneline,
16 by first class mail.

17 7. On July 15, 2015, a Notice of Violation was mailed to OWNERS by first class mail.

18 8. On July 22, 2015, a Notice of Violation was mailed to INTERESTED PARTY by
19 first class mail and was posted on THE PROPERTY on July 27, 2015.

20 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
21 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
22 INTERESTED PARTY and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on September 1, 2015, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
27 on the real property located at Vacant Parcel on Raley Avenue and Blackwell, Lakeland Village,
28 Riverside County, California, also identified as Assessor's Parcel Number 381-245-004 violates

Riverside County Ordinance Nos. 348 and 541 and constitutes a public nuisance.

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

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

County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, “abatement costs” means “any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from OWNERS 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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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
7 Marion Ashley
Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By

13 Deputy

14 (SEAL)