

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

409B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-01637 [LAWELL]
Subject Property: 40726 Mayberry Avenue, Hemet
APN: 447-060-044
District: 3 [\$0.00]

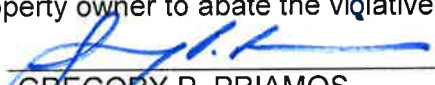
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01637;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01637; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01637.

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

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

Prev. Agn. Ref.: 09/01/15; 9.4

District: 3

Agenda Number:

2-9

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

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

Case No. CV14-01637 [LAWELL]

Subject Property: 40726 Mayberry Avenue, Hemet

APN: 447-060-044

District: 3 [\$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:
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 14-01637
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];)
13 APN 447-060-044, 40726 MAYBERRY AVENUE,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 MARIAN L. LAWELL, OWNER.) ABATE NUISANCE
15) R.C.O. Nos. 348, 541 and 725
16)

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 40726 Mayberry Avenue, Hemet, Riverside County, Assessor's Parcel Number
21 447-060-044 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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Marian L. Lawell ("OWNER").

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Accubanc Mortgage Corporation, First Interstate Bank of California, a
6 California Corporation, GMAC Mortgage Corporation, and Wells Fargo Bank, N.A. (hereinafter
7 referred to as "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 14, 2014,
9 and on seven (7) subsequent inspections, the last being August 26, 2015.

10 4. During each inspection an accumulation of rubbish and excess outside storage was
11 observed throughout THE PROPERTY consisting of but not limited to: green waste, household
12 trash, carts, buckets, pots, aquariums, bird cages, a camper shell, shelves, a bed liner, trash, a child's
13 pool, furniture and miscellaneous items, in excess of 3,000 square feet.

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

16 6. On December 3, 2014, a Notice of Pendency of Administrative Proceedings was
17 recorded at the Riverside County Recorder's Office as instrument number 2014-0462040.

18 7. On October 15, 2014, a Notice of Violation was mailed to OWNER by first class mail
19 and was posted on THE PROPERTY on October 16, 2014. On February 3, 2015, a Notice of
20 Violation was mailed to INTERESTED PARTIES by first class mail.

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 OWNER 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 September 1, 2015, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
28 on the real property located at 40726 Mayberry Avenue, Hemet, Riverside County, California, also

1 identified as Assessor's Parcel Number 447-060-044 violates Riverside County Ordinance Nos. 348
2 and 541 and constitutes a public nuisance.

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

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

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

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, “abatement
3 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or
6 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

7 ///

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
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)