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



FROM: County Counsel/TLMA

Code Enforcement Department

SUBMITTAL DATE: January 20, 2016

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

Case No. CV15-01919 [SHARKEY]

Subject Property: 25294 Stephvon Way, Hemet

APN: 549-243-002

District: 3

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01919;

2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01919; and

3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01919.

#### **BACKGROUND:**

Summary

On December 15, 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)

> REGORY P. PRIAMOS County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	(per Exec. Office)	
COST	\$	\$	\$	\$	Consent M Policy □	
NET COUNTY COST	\$	\$	\$	\$		
SOURCE OF FUNDS:				Budget Adju	Budget Adjustment:	

For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

APPROVE

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added Change Order 4/5 Vote

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□ Prev. Agn. Ref.: 12/15/15; 9.23

District: 3

Agenda Number:

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

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

Case No. CV15-01919 [SHARKEY]

Subject Property: 25294 Stephvon Way, Hemet

APN: 549-243-002

District: 3

DATE: January 19, 2016

**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

# My Map





# Legend

City Boundaries Cities roadsanno

highways **WHH** 

INTERSTATE INTERCHANGE

ONRAMP

OFFRAMP

WHSU

counties

hydrographylines

cities

waterbodies Lakes

Rivers

Notes

\*IMPORTANT\* Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



175

351 Feet

3

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1	RECORDING REQUESTED BY:				
2	Kecia Harper-Ihem, Clerk of the Board of Supervisors				
3	(Stop #1010)				
4					
5					
6	WHEN RECORDED PLEASE MAIL TO: Michelle Cervantes, Senior Code Enforcement Officer				
7	Regina Keyes, Senior Code Enforcement Officer CODE ENFORCEMENT DEPARTMENT				
8	4080 Lemon Street, Twelfth Floor (Stop #1012) Riverside, CA 92501  [EXEMPT GC §§ 6103 and 27383]				
9					
10	BOARD OF SUPERVISORS COUNTY OF RIVERSIDE				
11					
12	IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 15-01919 [EXCESSIVE OUTSIDE STORAGE AND )				
13	ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT, APN 549-243-002, 25294 STEPHVON WAY, ) CONCLUSIONS AND ORDER TO				
14	HEMET, RIVERSIDE COUNTY, CALIFORNIA; ) ABATE NUISANCE TANI A. SHARKEY, OWNER.				
15	) R.C.O. Nos. 348, 541 and 725				
16					
17	The above-captioned matter came on regularly for hearing on December 15, 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 25294 Stephvon Way, Hemet, Riverside County, Assessor's Parcel Number 549-				
21	243-002 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 ("RCO") Nos. 348 and				
28	541 and as a public nuisance.				

#### **SUMMARY OF EVIDENCE**

- 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Tani A. Sharkey ("OWNER").
- 2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: AccuBanc Mortgage, a division of National City Bank of Indiana ("INTERESTED PARTY").
- 3. THE PROPERTY was inspected by Code Enforcement Officers on May 21, 2015 and on five (5) subsequent follow up inspections, with the last being December 7, 2015.
- 4. During each inspection an accumulation of rubbish and excess outside storage was observed throughout THE PROPERTY consisting of but not limited to: couches, cardboard boxes, trash, debris, scrap wood, scrap meal, used tires, dresser, bench, table, discarded clothing, Christmas decorations, plastic crates, suitcases, vacuums, fiberglass insulation, plastic tubs, electrical wiring, a mattress, electronic waste, plunger, bubble wrap, grocery basket, discarded stuffed animals, pallets and miscellaneous items.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348 and 541 by the Code Enforcement Officer.
- 6. On July 24, 2015, a Notice of Pendency of Administrative Proceedings was recorded at the Riverside County Recorder's Office as instrument number 2015-0328746.
- 7. On May 29, 2015, a Notice of Violation was posted on THE PROPERTY. On May 26, 2015, a Notice of Violation was mailed to OWNER by certified mail, return receipt requested. On July 2, 2015, a Notice of Violation was mailed to INTERESTED PARTY by certified mail, return receipt requested.
- 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and INTERESTED PARTY and was posted on THE PROPERTY.

#### FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 15, 2015, finds and concludes that:

- 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the real property located at 25294 Stephvon Way, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-243-002 violates RCO 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 RCO Nos. 348 and 541 within ninety (90) days.
- 3. WHEREAS, the OWNER 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 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 RCO 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 RCO 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 1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special 2 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos. 3 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses 4 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and 5 shall include, but not be limited to, enforcement, investigation, collection and administrative costs, 6 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable 7 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER 8 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this 10 Order to Abate Nuisance. 11 COUNTY OF RIVERSIDE 12 Dated: \_\_\_\_\_ 13 By 14 Marion Ashley Chairman, Board of Supervisors 15 16 ATTEST: 17 KECIA HARPER-IHEM 18 Clerk to the Board 19 20 By 21 Deputy 22 (SEAL) 23 24 25 26 27

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