

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

904B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 9, 2016

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-01887 [ESTATE OF JEFFREY SCOTT JOHNSON]
Subject Property: 25874 2nd Street, Hemet
APN: 549-173-022
District: 3 [\$0]

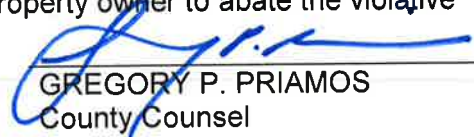
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01887;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01887; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01887.

BACKGROUND:

Summary

On May 17, 2016, 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: 
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 05/17/16; 9.1 | District: 3 | Agenda Number:

2-11

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. CV13-01887 [ESTATE OF JEFFREY SCOTT JOHNSON]
Subject Property: 25874 2nd Street, Hemet
APN: 549-173-022
District: 3 [\$0]

DATE: June 9, 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

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 13-01887
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];)
13 APN 549-173-022, 25874 2nd STREET, HEMET,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
14 OF JEFFREY SCOTT JOHNSON, OWNER.) ABATE NUISANCE
15) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on May 17, 2016, 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 25874 2nd Street, Hemet, Riverside County, Assessor's Parcel Number 549-173-022 and
21 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 No one appeared on behalf of owner.

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
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Estate of Jeffrey Scott Johnson (“OWNER”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: The Alton R. and Margie L. Morse Revocable Trust #30526 dated
6 August 9, 1991, Helen Maxwell, Internal Revenue Service, Lake Hemet Municipal Water District,
7 State of California Franchise Tax Board (hereinafter referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 9, 2013 and
9 on ten (10) subsequent follow up inspections, with the last being May 10, 2016.

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, televisions,
12 scrap wood, metal, plastic 55 gallon drums, ice chests, cardboard boxes, plastic trash bags, lattice,
13 ladder, fire pit, vehicle seats, metal tool boxes, plastic crates, vacuums, book shelves, gas cans, hand
14 truck, plastic tubs, trash cans, used tires, bicycles, yard tools, children’s toys, lawn mowers, bedroom
15 set, broken patio chairs, roofing materials, trash and debris, and miscellaneous items, of about 1,425
16 square feet.

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

19 6. On October 23, 2014, a Notice of Pendency of Administrative Proceedings was
20 recorded at the Riverside County Recorder’s Office as instrument number 2014-0402738.

21 7. On July 9, 2013, a Notice of Violation was posted on THE PROPERTY. On July 10,
22 2013, a Notice of Violation was mailed to OWNER by first class mail.

23 8. On February 17, 2015, a Notice of Violation was mailed to OWNER and
24 INTERESTED PARTY Helen Maxwell by certified mail, return receipt requested.

25 9. On June 22, 2015, a Notice of Violation was mailed to INTERESTED PARTIES
26 State of California Franchise Tax Board, Internal Revenue Service, and Lake Hemet Municipal
27 Water District, by certified mail, return receipt requested.

28 10. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”

1 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
2 INTERESTED PARTIES and was posted on THE PROPERTY.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on May 17, 2016, finds and concludes that:

6 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
7 on the real property located at 25874 2nd Street, Hemet, Riverside County, California, also identified
8 as Assessor's Parcel Number 549-173-022 violates RCO Nos. 348 and 541 and constitutes a public
9 nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

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

27 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
28 storage of materials are not removed and disposed of in strict accordance with all Riverside County

1 Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date
2 of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of
3 materials may be abated and disposed of by representatives of the Riverside County Code
4 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
5 consent or a Court Order when necessary under applicable law.

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

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1 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
2 Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)