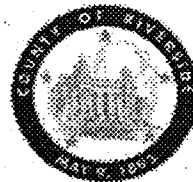


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

806B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-06928 & CV 09-04151 (CHAPPEL)
Subject Property: One Parcel East of 52067 Hattie Avenue, Cabazon
APN: 528-163-005
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-06928 & CV 09-04151 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case Nos. CV 08-06928 & CV 09-04151; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-06928 & CV 09-04151.

[Signature]
JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A
SOURCE OF FUNDS:				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: February 9, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 01/05/10: 82 | District: 5 | Agenda Number:

ATTACHMENTS FILED

WITH THE CLERK OF THE BOARD

2.14

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case Nos.: CV 08-06928 & CV 09-04151

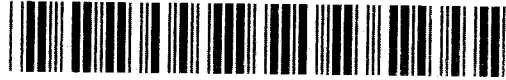
Subject Property: One Parcel East of 52067 Hattie Avenue, Cabazon

APN: 528-163-005

District Five

BACKGROUND:

On January 5, 2010 this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess outside storage and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.



RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk to the
Board of Supervisors (Stop #1010)

WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

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[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:
[EXCESSIVE OUTSIDE STORAGE AND
ACCUMULATION OF RUBBISH];
APN 528-163-005, ONE PARCEL EAST OF
52067 HATTIE AVENUE, CABAZON,
RIVERSIDE COUNTY, CALIFORNIA; NOLAN
CHAPPEL, OWNER.

CASE NOS. CV 08-06928 &
CV 09-04151

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter
17.144), 541 (RCC Chapter 8.120) and
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on January 5, 2010, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as One Parcel East of 52067 Hattie Avenue, Cabazon, Riverside County, California and further described as Assessor's Parcel Number 528-163-005 and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.144) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the owners of
6 THE PROPERTY as Nolan Chappel ("OWNER").

7 2. Documents of title indicate that no other party potentially holds a legal interest in THE
8 PROPERTY.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on August 25, 2008,
10 February 18, 2009, March 10, 2009, March 17, 2009, July 24, 2009, September 10, 2009, December
11 9, 2009 and December 30, 2009.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: appliances, wood, tires, plastic items, buckets, boats, household trash, scrap
15 metal, auto parts, furniture, fence materials, lawn mowers, green waste, furniture, clothing, building
16 materials, a water heater, building materials, and miscellaneous debris. The amount of accumulated
17 rubbish and excess outside storage of materials was approximately twenty nine thousand six hundred
18 ninety six (29, 696) square feet. Given the size of the unimproved parcel (.87 acres) and the zoning
19 classification (W-2, Controlled Development Area), no amount of outside storage or rubbish is
20 allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. Notices of Noncompliance were recorded on September 26, 2008 as Document
24 Number 2008-0524592 and on August 25, 2009 as Document Number 2009-0443822 in the Office of
25 the County Recorder, County of Riverside.

26 7. On August 25, 2008 and July 24, 2009, Notices of Violation for violation of Riverside
27 County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On September 12, 2008 and
28 August 7, 2009, Notices of Violation were mailed to OWNER by certified mail, return receipt



1 requested.

2 8. On December 3, 2009, the "Notice to Correct County Ordinance Violations and
3 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
4 scheduled for January 5, 2010, was mailed by certified mail, return receipt requested, to OWNER and
5 was posted on THE PROPERTY on December 9, 2009.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on January 5, 2010 finds and concludes that:

9 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
10 the real property located at One Parcel East of 52067 Hattie Avenue, Cabazon, Riverside County,
11 California, also identified as Assessor's Parcel Number 528-163-005 violates Riverside County
12 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) and constitutes a public
13 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
14 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
15 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
16 PROPERTY.

17 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
18 the premises should abate the condition by removal of all outside storage of materials and removing
19 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
20 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
21 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Nolan Chappel,





1 or anyone having possession or control of THE PROPERTY, by removing all of the outside storage
2 of materials and removing and disposing of all accumulated rubbish from the subject real property in
3 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
4 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) within ninety (90) days of
5 the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
7 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
8 County Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) within ninety (90)
9 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
10 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
11 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
12 consent or a Court Order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
16 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
17 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
18 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
19 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
20 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
21 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

22 ///

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

3
4 Dated: February 9, 2010

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By Jamie Johnson
12 Deputy
13 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY JULIE A. KOONS JARVI DATE 1/20/10



2010-0065340
02/11/2010 08:00A
5 of 6



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrelkrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

2-9-10

Signature:

Sandi Schlemmer

Print Name:

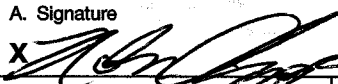
Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board

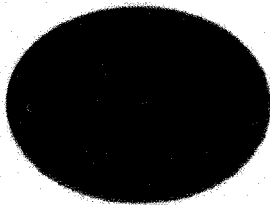


NOTICE LIST

Subject Property: 1 Parcel east of 52067 Hattie Avenue, Cabazon
Case Nos.: CV 08-06928 & CV 09-04151; APN: 528-163-005; District 5

NOLAN CHAPPEL
P.O. BOX 452
CABAZON, CA 92230

SENDER: COMPLETE THIS SECTION	RECEIVER: COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <u>NOLAN CHAPPEL</u> <u>3/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>NOLAN CHAPPEL P O BOX 452 CABAZON, CA. 92230 CV08-06928 & CV09-04151 *FOF* CHAPPEL 1</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>7009 3410 0000 1318 0151</p>	



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2010

RE CASE NO: CV0806928

I, Regina Keyes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 3/4/2010 at 9:05 a.m., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 1 Parcel East of (52067 Hattie Ave), Cabazon

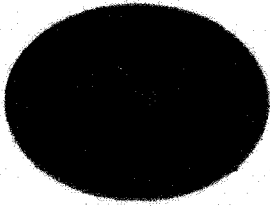
Assessor's Parcel Number: 528-163-005

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Regina Keyes
By: Regina Keyes, Sr. Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2010

RE CASE NO: CV0904151

I, Regina Keyes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 3/4/2010 at 9:05 a.m., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 1 Parcel East of (52067 Hattie Ave., Cabazon

Assessor's Parcel Number: 528-163-005

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Regina Keyes, Sr. Code Enforcement Officer

PROOF OF SERVICE
Case Nos. CV08-06928 & CV09-04151

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 2, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

OWNERS OR INTERESTED PARTIES
(see attached notice list)

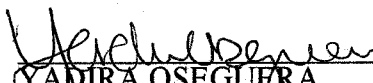
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 2, 2010, at Riverside, California.


YADIRA OSEGUERA