

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

8038



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
January 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 08-08712 & CV 08-08706 (SANDERSON)  
Subject Property: 52274 Date Avenue, Cabazon  
APN: 528-113-028  
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-08712 & CV 08-08706 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 08-08712 & CV 08-08706; 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 08-08712 & CV 08-08706.

*Julie Jarvi*  
JULIE JARVI Deputy County Counsel  
for RAMELA 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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

*Tina Grande*  
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: *Kecia Harper-Ihem*  
Deputy

Prev. Agn. Ref.: 12/15/09; 08 District: 5 Agenda Number:

ATTACHMENT FILED WITH THE CLERK OF THE BOARD

2.15

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

Case Nos.: CV 08-08712 & CV 08-08706

Subject Property: 52274 Date Avenue, Cabazon

APN: 528-113-028

District Five

**BACKGROUND:**

On December 15, 2009 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.

DOC # 2010-0065341

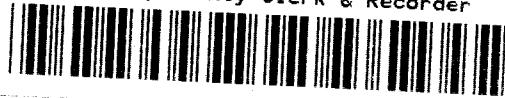
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Recorded in Official Records  
County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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**

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**C**  
509

IN RE ABATEMENT OF PUBLIC NUISANCE:  
[EXCESSIVE OUTSIDE STORAGE AND  
ACCUMULATION OF RUBBISH];  
APN 528-113-028, 52274 DATE AVENUE,  
CABAZON, RIVERSIDE COUNTY,  
CALIFORNIA; GREGORY E. SANDERSON,  
OWNER.

CASE NOS. CV 08-08712 &  
CV 08-08706

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter  
17.156), 541 (RCC Chapter 8.120) and  
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 15, 2009 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 52274 Date Avenue, Cabazon, Riverside County, California and further described as Assessor's Parcel Number 528-113-028 and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of Owner.

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 17.156) 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 owner of  
6 THE PROPERTY as Gregory E. Sanderson ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
8 PROPERTY, to wit: Cabazon Water District ("INTERESTED PARTY").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2009,  
10 July 30, 2009, October 13, 2009 and December 14, 2009.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: wood, debris, a boat, appliances, boxes, tires, a couch, and other miscellaneous  
14 items. The officer measured the amount of accumulated rubbish and excess outside storage of  
15 materials as approximately seven hundred sixty eight (768) square feet. Given the size of the parcel  
16 (.13 acres) and the zoning classification (W-2-M, Controlled Development Areas with Mobilehomes),  
17 no amount of outside storage is allowed on THE PROPERTY. However, no amount of rubbish is  
18 allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on June 11, 2009 as Document Number  
22 2009-0299290 in the Office of the County Recorder, County of Riverside

23 7. On June 25, 2009, a Notice of Violation for violation of Riverside County Ordinance  
24 Nos. 348 and 541 was posted on THE PROPERTY. On June 29, 2009, a Notice of Violations was  
25 mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested.

26 8. On October 6, 2009, the "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for December 15, 2009, was mailed by certified mail, return receipt requested, to OWNER and



1 INTERESTED PARTY and was posted on THE PROPERTY on October 13, 2009.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on December 15, 2009 finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at 52274 Date Avenue, Cabazon, Riverside County, California, also  
7 identified as Assessor's Parcel Number 528-113-028 violates Riverside County Ordinance Nos. 348  
8 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
9 Riverside County Ordinance No. 348, due to the size and zoning of the parcel, no amount of outside  
10 storage is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541,  
11 no amount of rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
13 the premises should abate the condition by removal of all outside storage of materials and removing  
14 and disposing of all accumulated rubbish from the subject real property in strict accordance with all  
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
16 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90) days.

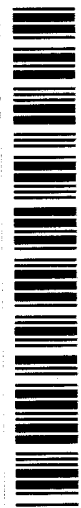
17 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within  
18 which judicial review of the administrative determinations made herein must be sought is ninety (90)  
19 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,  
20 and is governed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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
23 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Gregory E.  
24 Sanderson or anyone having possession or control of THE PROPERTY, by removing all of the  
25 outside storage of materials and removing and disposing of all accumulated rubbish from the subject  
26 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
27 Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within  
28 ninety (90) days of the date of this Order to Abate Nuisance.



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1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
3 County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90)  
4 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
5 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
6 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
7 consent or a Court Order when necessary under applicable law.

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

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

Dated: February 9, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Lana Johnson  
Deputy  
(SEAL)



FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi DATE 1/23/10



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

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

<http://riverside.asrclrec.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:

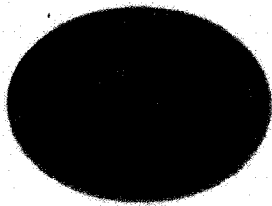
*Sandi Schlemmer*

Print Name:

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







**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 4, 2010

RE CASE NO: CV0808712

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 9:15 a.m., I securely and conspicuously posted Finding of Fact, Conclusion and Order to Abate Nuisance at the property described as:

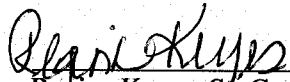
**Property Address:** 52274 DATE AVE, CABAZON

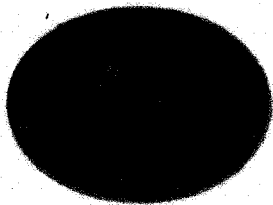
**Assessor's Parcel Number:** 528-113-028

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, Sf. Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 4, 2010

RE CASE NO: CV0808706

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 9:15 a.m., I securely and conspicuously posted Finding of Fact, Conclusion and Order to Abate Nuisance at the property described as:

**Property Address:** 52274 DATE AVE, CABAZON

**Assessor's Parcel Number:** 528-113-028

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

**PROOF OF SERVICE**

Case Nos. CV08-08712 & CV08-08706

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)

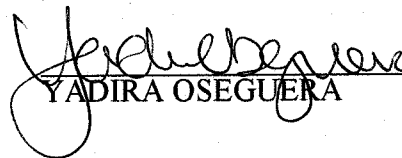
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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