

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

411B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 25, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 08-02323
Subject Property: 6230 Morton Avenue, Riverside; APN: 163-152-011
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02323 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 No. CV 08-02323; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02323.

BACKGROUND:

On March 16, 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 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.

[Signature]

JULIE A. 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 Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 6, 2010
xc: Co.Co.(3); Recorder

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

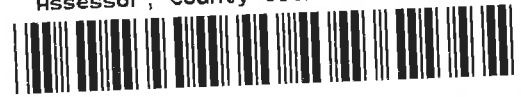
Prev. Agn. Ref.: 03/16/10; 9.2 | **District:** 2 | **Agenda Number:**

2.13

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Departmental Concurrence

Policy
 Policy
 Consent
 Consent
 Dept'l Recomm.:
 Per Exec. Ofc.:



1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
12 [EXCESSIVE OUTSIDE STORAGE]; APN 163-)
13 152-011, 6230 MORTON AVENUE, RIVERSIDE,)
14 RIVERSIDE COUNTY, CALIFORNIA;)
15 CHARLES A. CAREY AND BENSHERRY D.)
16 CAREY, OWNERS.)

CASE NO. CV 08-02323
FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE
[R.C.O. Nos.348 and 725
R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on March 16, 2010, before the Board of
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as
19 6230 Morton Avenue, Riverside, Riverside County, APN: 163-152-011 and referred to hereinafter as
20 "THE PROPERTY."

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

23 Owner's son appeared on his behalf and addressed the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Charles A. Carey and Bensherry D. Carey ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that no other parties potentially
5 hold a legal interest in THE PROPERTY.

6 3. THE PROPERTY has been inspected by Code Enforcement Officers on April 23, 2008,
7 June 4, 2008, October 2, 2008, November 25, 2008, February 24, 2009, April 22, 2009, June 15, 2009,
8 July 20, 2009, November 9, 2009, February 10, 2010 and March 12, 2010.

9 4. During each inspection, outside storage of materials in excess of 200 square feet were
10 observed on THE PROPERTY. The materials included but were not limited to: lumber, auto parts,
11 appliances, pipe, drums, machinery, furniture, building materials, work tools, and other miscellaneous
12 items. The total area of excess outside storage of materials was approximately two thousand (2,000)
13 square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
15 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on June 26, 2008 as Document Number 2008-
17 0350652 in the Office of the County Recorder, County of Riverside.

18 7. On April 23, 2008, a Notice of Violation was posted on THE PROPERTY. On April 28,
19 2008, a Notice of Violation was mailed to the OWNERS by certified mail, return receipt requested.

20 8. On February 10, 2010, a "Notice to Abate Nuisance" providing notice of the public
21 hearing before the Board of Supervisors on March 16, 2010, was mailed by certified mail, return receipt
22 requested, to the OWNERS and was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

23
24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on March 16, 2010, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials on the real property located at 6230
27 Morton Avenue, Riverside, Riverside County, California, also identified as Assessor's Parcel Number
28 163-152-011 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

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04/08/2010 08:08A
2 of 6





1 2. WHEREAS, the OWNERS, occupants or any person having possession or control of the
2 premises should abate the condition by removing and disposing of the excess outside storage of materials
3 from the subject real property in strict accordance with all Riverside County Ordinances, including but not
4 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
5 order.

6 3. WHEREAS, THE OWNERS ARE HEREBY FUTHER NOTICED that the time within
7 which judicial review of the administrative determinations made herein must be sought is ninety (90) days
8 from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is
9 governed by California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

11 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
12 be abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
13 and disposing of the outside excess storage of materials from the subject real property in strict accordance
14 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348
15 within ninety (90) days of the posting or mailing of this order.

16 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
17 accordance with all Riverside County Ordinances, including but not limited to Riverside County
18 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
19 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a
20 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
21 necessary under applicable law.

22 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
23 be imposed as a lien on the property, which may be collected as a special assessment against the property
24 pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 348 and 725. Under
25 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to
26 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
27 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs
28 associated with the removal or correction of the violation." Reasonable abatement costs accrued by the

1 Department will be recoverable from the property owner(s) even if the property is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: April 6, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk to the Board

By Karen Barton
Deputy

(SEAL)



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4 of 6

FORM APPROVED COUNTY COUNSEL
BY Jellie A. Koons-Jarvis
DATE 3/23/10



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

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

<http://riverside.asrclkrcc.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: 4-6-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



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

Recorder
P.O. Box 751
(951) 486-7000
www.riversideacr.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 FOR STAMP WHICH MAY BE OBSCURED:

FORM APPROVED COUNTY COUNSEL

BY: _____
JULIE A. KOONS JARVI DATE

CLARIFICATIONS FOR NUMBERS ON LEFT SIDE OF PLEADING PAGE
OBSCURED BY STAMP:

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Date:

4-6-10

Signature:

Karen Barton

Print Name: Karen Barton, Board Assistant



NOTICE LIST

Subject Property: 6230 Morton Avenue, Riverside
Case No.: CV 08-02323; APN: 163-152-011; District 2

CHALRES A. CAREY
BENSHERRY D. CAREY
8440 YEARLING WAY
RIVERSIDE, CA 92509

OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERIDE CA. 92501

NL 5-4-10

CHALRES A. CAREY
BENSHERRY D. CAREY
8440 YEARLING WAY
RIVERSIDE, CA 92509

92509564405



7009 3410 0000 1318 1622

CERTIFIED MAIL



UNITED STATES POSTAGE
PITNEY BOWES
\$ 005.76
02 1P
0003958246 MAY 04 2010
MAILED FROM ZIP CODE 92501

*5/18
5/126*

NIXIE 923 DE 1 00 06/04/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *1004-04130-04-37



PROOF OF SERVICE

Case Nos. CV08-02323

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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 May 4, 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 May 4, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

May 7, 2010

RE CASE NO: CV0802323

I, Travis Engelking, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 5317 Mission Blvd, Riverside, California 92502-1592 .

That on 05/04/10 at 10:20am, I securely and conspicuously posted FINDINGS OF FACT at the property described as:


Property Address: 6230 MORTON AVE, RIVERSIDE

Assessor's Parcel Number: 163-152-011

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

Executed on May 7, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  Code Enforcement Officer