

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

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Sept. 1, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 07-3251 (OLSON)
Subject Property: 26500 Truelson Avenue, Hemet; APN: 458-226-009
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3251 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 07-3251; 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 07-3251.

(Continued)

[Signature]
L. ALEXANDRA FONG, 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 Ashley, seconded by Supervisor Buster 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: September 14, 2010
xc: Co.Co.(3); Recorder

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent
 Policy
 Consent
 Policy

Dept Recomm.:
 Per Exec. Ofc.:

Order to Abate
Case No. CV 07-3251; OLSON
26500 Truelson Avenue, Hemet
Page 2

BACKGROUND:

On August 10, 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 accumulated rubbish located 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 Findings of Fact, Conclusions and Order to Abate.

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



4
5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
ncl 6L							T:	CTY	UNI

EXEMPT'6103

11 BOARD OF SUPERVISORS
12 COUNTY OF RIVERSIDE



13 IN RE ABATEMENT OF PUBLIC NUISANCE:)
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 458-226-009, 26500 TRUELSON AVENUE,)
HEMET, RIVERSIDE COUNTY, CALIFORNIA;)
ESTATES OF ANDREW A. OLSON AND)
ADELINE OLSON, OWNERS.)

CASE NO. CV 07-3251
FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE
[R.C.O. Nos. 348 (RCC Chapter 17.16),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on August 10, 2010, 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 as 26500 Truelson Avenue, Hemet, Riverside County, California and further
21 described as Assessor's Parcel Number 458-226-009 and referred to hereinafter as "THE
22 PROPERTY."

23 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 The Owners did not appear.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners of
5 THE PROPERTY as Estates of Andrew A. Olson and Adeline Olson ("OWNERS").

6 2. Documents of title indicate that no other parties potentially hold a legal interest in
7 THE PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 1, 2007,
9 April 25, 2008, November 4, 2008, January 7, 2009, June 28, 2009, August 10, 2009, September 16,
10 2009, December 2, 2009, January 15, 2010, February 17, 2010, March 17, 2010, April 7, 2010, July
11 1, 2010 and July 29, 2010.

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: miscellaneous metal debris, automobile and bicycle tires, gasoline containers,
15 laundry baskets, hoses, buckets, miscellaneous wood debris, tool chests, umbrellas, rags, clothes,
16 miscellaneous wires, lights, broken fan covers, dollies, dried vegetation, drums and lawn chairs. The
17 officer visually estimated the amount of rubbish and storage as approximately twenty thousand
18 (20,000) square feet. Given the size of the parcel (0.58 acres) and the zoning classification (R-R,
19 Rural Residential), one hundred (100) square feet of outside storage of materials and no amount of
20 rubbish is allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. A Notice of Noncompliance was recorded on August 23, 2007 as Document Number
24 2007-0542657 in the Office of the County Recorder, County of Riverside.

25 7. On August 1, 2007, Notices of Violation for violation of Riverside County Ordinance
26 Nos. 348 and 541 were posted on THE PROPERTY. On August 9, 2007, November 4, 2008 and
27 December 12, 2008, Notices of Violation were mailed to OWNERS and OCCUPANT by certified
28 mail, return receipt requested.



1 by removing all of the outside storage of materials in excess of one hundred (100) square feet and
2 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
3 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
4 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this
5 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 17.16) 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 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///



2010-0442772
09/15/2010 08:00A
4 of 6

FORM APPROVED COUNTY COUNSEL
BY: AKH 5/24/10
L. ALEXANDRA FONG DATE

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.

4 Dated: September 14, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:
8
9 KECIA HARPER-IHEM
10 Clerk to the Board

11 By Karen Gutter
12 Deputy
13 (SEAL)



2010-0442772
09/15/2010 09:00A
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

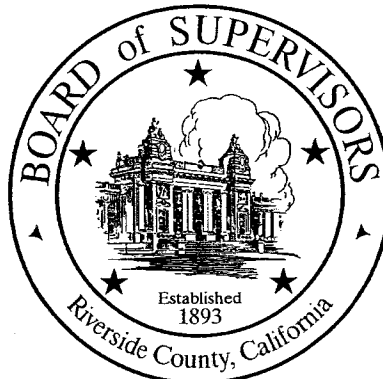
<http://riverside.asrcrkrec.com>

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:

09-14-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



PROOF OF SERVICE

Case No. CV07-3251

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on September 30, 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)**

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).

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 September 30, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

October 4, 2010

RE CASE NO: CV073251

I, Vicky Jordan, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 10/4/2010 at 1:25 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 26500 TRUELSON AVE, HEMET

Assessor's Parcel Number: 458-226-009

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

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

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD