

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

508B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2011


SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 10-01043 [RIVEROAKS ENTERPRISES, INC.]
Subject Property: 1 Parcel North of 18010 Grand Ave., Lake Elsinore;
APN: 381-210-004

District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01043 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 10-01043; 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 10-01043.

(Continued)


L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

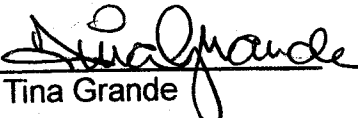
FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: 9.3

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature


MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: May 10, 2011
xc: Co. Co. (3), Recorder

Kecia Harper-Ihem

Clerk of the Board

By: 
Deputy

Prev. Agn. Ref.: 4/5/11; 9.1

District:

Agenda Number:

2.20

Departmental Concurrence

Consent ☒ Policy ☐
Consent ☐ Policy ☐

Dept's Recomm.:
Per Exec. Ofc.:

Order to Abate

Case No.: CV10-01043 [RIVEROAKS ENTERPRISES, INC.]

1 Parcel North of 18010 Grand Ave., Lake Elsinore

District One

Page 2

BACKGROUND:

On April 5, 2011, 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)

DOC # 2011-0207677
05/11/2011

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-01043
14 [EXCESS OUTSIDE STORAGE AND)
15 ACCUMULATED RUBBISH];)
16 APN 381-210-004, 1 PARCEL NORTH OF 18010)
17 GRAND AVE., LAKE ELSINORE, COUNTY OF)
18 RIVERSIDE, STATE OF CALIFORNIA;)
19 RIVEROAKS ENTERPRISES, INC. OWNER.)
20 [R.C.O. Nos. 348 (RCC Title 17), 541
21 (RCC Title 8) and 725 (RCC Title 1)]
22)
23)
24)
25)
26)
27)
28)

17 The above-captioned matter came on regularly for hearing on April 5, 2011, 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 1 Parcel North of 18010 Grand Ave., Lake Elsinore, Riverside County, California and
21 further described as Assessor's Parcel Number 381-210-004 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 No one appeared on behalf of Owners.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excess outside storage of materials and accumulated rubbish on
28

1 THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code
2 Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner of
5 THE PROPERTY as Riveroaks Enterprise, Inc. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY to wit: MFTDS, Inc. c/o Master Funding Company and Stephen L. Wheeler
8 (hereinafter referred to as "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on February 10,
10 2010, March 23, 2010, April 29, 2010, May 27, 2010, June 25, 2010, September 24, 2010, October
11 27, 2010, November 24, 2010, November 30, 2010, March 23, 2011 and April 1, 2011.

12 4. During each inspection, the outside storage of materials and accumulated rubbish were
13 observed on THE PROPERTY. The materials and rubbish were intermingled and included but were
14 not limited to: several large dead tree limbs, 13 boats, 14 boat molds and 2 personal water craft. The
15 Property is approximately 1.25 acres located within the C-1/C-P (General Commercial), R-3 (General
16 Residential) and W-1 (Watercourse, Watershed and Conservation Areas) zone classification.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 348 (RCC Title 17) and 541 (RCC Title 8) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on April 1, 2010, as Document Number
20 2010-0149766 in the Office of the County Recorder, County of Riverside.

21 7. On February 10, 2010, Notices of Violation for violation of Riverside County
22 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On February 11, 2010 and March
23 23, 2010, Notices of Violation were mailed to OWNER and INTERESTED PARTIES.

24 8. On March 22, 2011, the "Notice to Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
26 for April 5, 2011, was mailed by certified mail, return receipt requested, to OWNER and
27 INTERESTED PARTIES and was posted on THE PROPERTY on March 23, 2011.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on April 5, 2011, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulated rubbish on the
5 real property located at 1 Parcel North of 18010 Grand Ave., Lake Elsinore, Riverside County,
6 California, also identified as Assessor's Parcel Number 381-210-004 violates Riverside County
7 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under
8 Riverside County Ordinance No. 348, due to no amount of outside storage of materials is allowed to
9 be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish
10 is allowed to be accumulated on THE PROPERTY.

11 2. WHEREAS, the OWNER, occupants or any person having possession or control of
12 the premises shall abate the condition by removal of all outside storage of materials and removing and
13 disposing of all accumulated rubbish from the subject real property in strict accordance with all
14 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
15 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and
22 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Riveroaks
23 Enterprises, Inc. or anyone having possession or control of THE PROPERTY, by removing all of the
24 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
25 real property in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days
27 of the date of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the
3 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
4 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement
5 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
6 Order when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Title 1). Under
11 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
12 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
13 but not be limited to, enforcement, investigation, collection and administrative costs,

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FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong DATE 4/27/11
L. ALEXANDRA FONG

1 attorney's fees and the costs associated with the removal or correction of the violation." Reasonable
2 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
3 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
4 this Order to Abate Nuisance.

5
6 Dated: May 10, 2011

COUNTY OF RIVERSIDE

7
8 By Bob Buster
Bob Buster
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13 By Alexandra Fong
14 Deputy
15 (SEAL)
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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

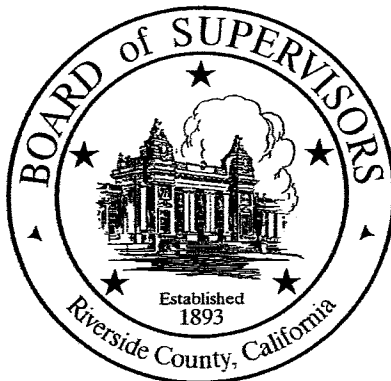
<http://riverside.asrclrec.com>

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:

5-10-11

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

June 1, 2011

RE CASE NO: CV1001043

I, Matt Jones, 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 06/01/2011 at 1130 AM, I securely and conspicuously posted Findings of Facts, Conclusions, and Order to Abate Public Nuisance at the property described as:

Property Address: 1 PARCEL NORTH OF 18010 GRAND AVENUE , LAKE ELSINORE

Assessor's Parcel Number: 381-210-004

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

Executed on June 1, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Matt Jones, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV10-01043

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, LaKesha Covington, 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, Suite 500, Riverside, California 92501-3674.

That on May 31, 2011, 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 FIRST CLASS MAIL.** 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 31, 2011, at Riverside, California.


LAKESHA COVINGTON