

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

305 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
July 16, 2013

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 09-05820 [WARD]  
Subject Property: 27854 Calle De Leon, Romoland; APN: 327-062-012  
District: 5/5

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05820 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 09-05820; 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 09-05820.

(Continued)

PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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 Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: July 30, 2013  
xc: Co.Co., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

RECEIVED COUNTY OF RIVERSIDE  
JUL 16 2013 11:30 AM

Policy  Consent

Dep't Recomm.: Per Exec. Ofc.:

Departmental Concurrence

Order to Abate  
Case No. CV09-05820 [WARD]  
27854 Calle De Leon, Romoland  
APN#327-062-012  
District 5/5  
Page 2

**BACKGROUND:**

On May 21, 2013, 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.

08/07/2013

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

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

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

5 WHEN RECORDED PLEASE MAIL TO:  
6 Patricia Munroe, 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 GC §§ 6103 and 27383]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-05820  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; )  
16 APN 327-062-012, 27854 CALLE DE LEON ) FINDINGS OF FACT,  
17 ROMOLAND, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
18 CALIFORNIA; RICHARD WARD, OWNER. ) ABATE NUISANCE  
19 )  
20 ) R.C.O. Nos. 348, 541 and 725  
21 )

22 The above-captioned matter came on regularly for hearing on May 21, 2013, before the Board  
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
25 described as 27854 Calle De Leon, Romoland, Riverside County, California and further described as  
26 Assessor's Parcel Number 327-062-012 and referred to hereinafter as "THE PROPERTY."

27 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
28 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner appeared and addressed the Board of Supervisors.

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  
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as  
a public nuisance.

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COPY

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Richard Ward, hereinafter referred to as "OWNER."

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Chapel Funding Corporation, Recontrust Company, Deutsche Bank  
6 National Trust Company C/O BAC Homes Loans Servicing, Ticor Title Company hereinafter  
7 collectively referred to as "INTERESTED PARTIES."

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 16, 2010,  
9 January 4, 2011, February 4, 2011, June 11, 2011, June 24, 2011, September 9, 2011, November 29,  
10 2011, July 9, 2012, August 29, 2012, January 8, 2013, January 16, 2013, and May 17, 2013.

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: scrap metal, tires, fencing and building materials, shipping containers, boxes,  
14 crates, dismantled bicycles, pallets and asphalt. Given the size of the parcel (1.07 acres) and the  
15 zoning classification (Rural Residential) two hundred (200) square feet of outside storage and no  
16 amount of rubbish is allowed on THE PROPERTY.

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

19 6. A Notice of Pendency of Administrative Proceeding was recorded on July 20, 2011,  
20 as Document Number 2011-031743 in the Office of the County Recorder, County of Riverside.

21 7. On July 16, 2010, June 24, 2011, and July 9, 2012, Notices of Violation for violation  
22 of Riverside County Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On July 19,  
23 2010 and June 27, 2011, Notice of Violation was mailed to OWNER and INTERESTED PARTIES  
24 by certified mail, return receipt requested.

25 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
26 providing notice of the public hearing before the Board of Supervisors scheduled for May 21, 2013,  
27 was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on May 21, 2013, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
5 the real property located at 27854 Calle De Leon, Romoland, Riverside County, California, also  
6 identified as Assessor's Parcel Number 327-062-012 violates Riverside County Ordinance Nos. 348  
7 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348 and the  
8 zoning classification, two hundred (200) square feet of outside storage of materials is allowed to be  
9 stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is  
10 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 in excess of two  
13 hundred (200) square feet and removing and disposing of all accumulated rubbish from the subject  
14 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
15 Riverside County Ordinance Nos. 348 and 541 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  
19 Nuisance, 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 Richard Ward,  
23 or anyone having possession or control of THE PROPERTY, by removing all of the outside storage  
24 of materials in excess of two hundred (200) square feet and removing and disposing of all  
25 accumulated rubbish from the subject real property in strict accordance with all Riverside County  
26 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
27 (90) days 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 and 541 within ninety (90) days of the date of this Order to Abate  
3 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and  
4 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor  
5 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary  
6 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, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
11 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
12 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
13 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
14 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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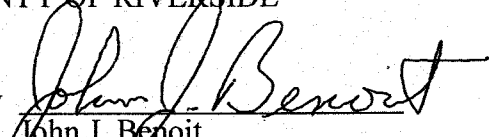
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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

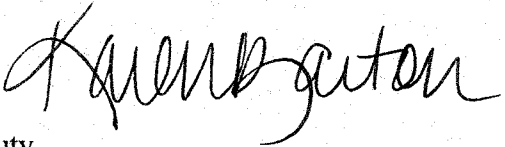
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Dated: July 30, 2013

COUNTY OF RIVERSIDE

By   
John J. Benoit  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By   
Deputy  
(SEAL)



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

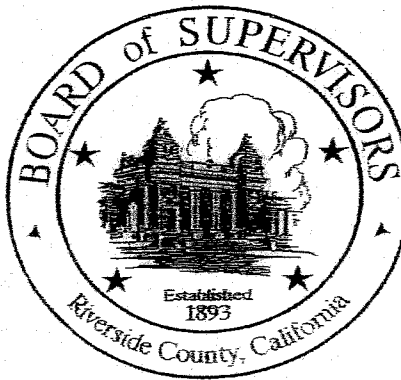
Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcfrec.com>

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:

7-30-13

Signature:

Karen Barton

Print Name:

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