

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

908 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Excessive Outside Storage]
Case No. CV11-00486 [STOUT/MASLANIK]
Subject Property: 28230 El Toro Road, Lake Elsinore
APN: 347-420-023
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate related to excess outside storage in Case No. CV11-00486;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-00486; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-00486.

BACKGROUND:

Summary

On June 3, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive 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
(Continued)

PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE
BY
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, 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 15, 2014
xc: TLMA-Code Enforcement, Recorder

Kecia Harper-Ihem
Clerk of the Board
By
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 06/03/14; 9.2 | District: 1/1 | Agenda Number:

2-14

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Excessive Outside Storage]
Case No. CV11-00486 [STOUT/MASLANIK]
Subject Property: 28230 El Toro Road, Lake Elsinore
APN: 347-420-023
District: 1/1 [\$0.00]

DATE:
PAGE: 2 of 2

BACKGROUND:

Summary (continued)

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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

DOC # 2014-0268814
07/21/2014

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 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 11-00486
12 [EXCESSIVE OUTSIDE STORAGE];)
13 APN 347-420-023, 28230 EL TORO ROAD,) FINDINGS OF FACT,
14 LAKE ELSINORE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; JEFF T. STOUT AND CECILIA) ABATE NUISANCE
16 MASLANIK, OWNERS.)
R.C.O. Nos. 348 and 725

17 The above-captioned matter came on regularly for hearing on June 3, 2014, 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 28230 El Toro Road, Lake Elsinore, Riverside County, Assessor's Parcel Number 347-
21 420-023 and referred to hereinafter as "THE PROPERTY."

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

24 Owners did not appear. However, a tenant appeared and addressed the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance No. 348 and as a public
28 nuisance.

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Jeff T. Stout and Cecilia Maslanik ("OWNERS").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Jeff T. Stout, David G. Cross, Debora Cross, Robert G. Williams, Jordan
6 Ehrenkranz and Jennie Ehrenkranz, Trustees of the Ehrenkranz Family Trust dated March 11, 1995
7 and David Shrader.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 22, 2011,
9 and on approximately 13 other occasions, the last being November 26, 2013.

10 4. During each inspection excess outside storage was observed throughout THE
11 PROPERTY consisting of but not limited to: storage of construction materials and boxes in excess of
12 8,403 square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 348 by the Code Enforcement Officer.

15 6. On July 27, 2012, a Notice of Pendency of Administrative Proceeding was recorded at
16 the Riverside County Recorder's Office as instrument numbers 2012-0352560.

17 7. On June 22, 2011 and November 7, 2013, a Notice of Violation was posted on THE
18 PROPERTY. On June 23, 2011, a Notice of Violation was mailed to OWNER MASLANIK by
19 certified mail with return receipt requested. On June 27, 2013, a Notice of Violation was mailed to
20 OWNER STOUT by certified mail. On October 29, 2013, a Notice of Violation was mailed to
21 OWNERS and INTERESTED PARTIES by first class mail.

22 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
23 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
24 INTERESTED PARTIES and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on June 3, 2014, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials on the real property located at

1 28230 El Toro Road, lake Elsinore, Riverside County, California, also identified as Assessor's Parcel
2 Number 347-420-023 violates Riverside County Ordinance No. 348 and constitutes a public
3 nuisance.

4 2. WHEREAS, the OWNERS, occupants and any other person having possession or
5 control of THE PROPERTY shall abate the excessive outside storage of materials by removing all
6 excessive outside storage on THE PROPERTY in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)
8 days.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS ORDERED that the excessive outside storage of materials on THE PROPERTY be
15 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing all
16 excessive outside storage of materials on THE PROPERTY in strict accordance with all Riverside
17 County Ordinances, including but not limited to Riverside County Ordinance No. 348, within ninety
18 (90) days of the posting and mailing of this Order to Abate Nuisance.

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

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
2 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from OWNERS 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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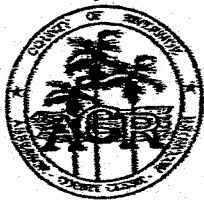
Dated: July 15, 2014

COUNTY OF RIVERSIDE

By Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kaleu Dighton
Deputy
(SEAL)



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

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

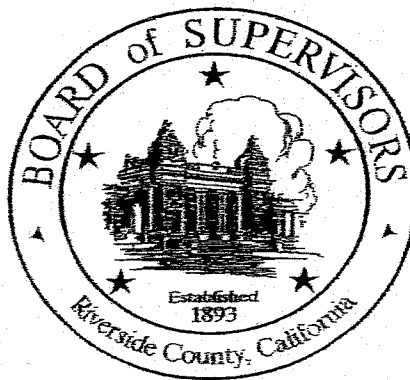
<http://riverside.asrec.com>

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:

7-15-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

July 25, 2014

RE CASE NO: CV1100486

I, Edward Torres, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
17650 Cajalco Road
Perris, California 92570
Mail Stop #5165.

That on 07/25/2014 at 1320 hours, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Public Nuisance at the property described as:


Property Address: 28230 EL TORO RD, LAKE ELSINORE

Assessor's Parcel Number: 347-420-023

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

Executed on July 25, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Edward Torres, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV11-00486 Maslanik

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on July 24, 2014, 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 July 24, 2014, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 28230 El Toro Rd., Lake Elsinore;
Case No.: CV11-00486- MASLANIK
APN: 347-420-023; District 1/1

CECILIA MASLANIK
28230 EL TORO RD.
LAKE ELSINORE, CA 92532

DAVID SHRADER
28230 EL TORO RD.
LAKE ELSINORE, CA 92531.

JEFF T. STOUT
DAVID G. CROSS
DEBORA CROSS
29762 YELLOW GOLD DR.
CANYON LAKE, CA 92587

ROBERT G. WILLIAMS
P.O. BOX 579
LAKE ELSINORE, CA 92531

JORDAN EHRENKRANZ, TRUSTEE
JENNIE EHRENKRANZ
EHRENKRANZ FAMILY TRUST
DATED MARCH 11, 1998
22310 CANYON LAKE DR. SOUTH
CANYON LAKE, CA 92587.

JEFF T. STOUT
28230 EL TORO RD.
LAKE ELSINORE, CA 92531

DAVID SHRADER
28230 EL TORO RD.
LAKE ELSINORE, CA 92532