

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

907B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV12-02778 [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 accumulated rubbish in Case No. CV12-02778;
 2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02778; and
 3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-02778.

BACKGROUND:

Summary

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

(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

Prev. Agn. Ref.: 06/03/14; 9.3 | District: 1/1 | Agenda Number:

2-15

Departmental Concurrence

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

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

FORM 11: Order to Abate [Accumulated Rubbish];

Case No. CV12-02778 [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)

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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3

DOC # 2014-0268815
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

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5 WHEN RECORDED PLEASE MAIL TO:
Michelle Cervantes, Senior Code Enforcement Officer
6 Regina Keyes, Senior Code Enforcement Officer
CODE ENFORCEMENT DEPARTMENT
7 4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-02778
[ACCUMULATION OF RUBBISH];)
12 APN 347-420-023, 28230 EL TORO ROAD, LAKE) FINDINGS OF FACT,
ELSINORE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; JEFF T. STOUT AND CECILIA) ABATE NUISANCE
MASLANIK, OWNERS.)
14) R.C.O. Nos. 541 and 725
15)
16)

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, and further described as
21 Assessor's Parcel Number 347-420-023 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 Code Enforcement Officer together
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 541.

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COPY

1 **SUMMARY OF EVIDENCE**

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

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

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 30, 2012
9 and on approximately eight other occasions, the last being November 26, 2013.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: household trash, broken furniture,
12 building materials, discarded wood and other miscellaneous items.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 by the Code Enforcement Officer.

15 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
16 the County Recorder, County of Riverside, State of California on July 27, 2012, as instrument
17 number 2012-0352560.

18 7. On April 30, 2012, Notice of Violation was posted on THE PROPERTY. On May 8,
19 2012 Notice of Violation was mailed to OWNER MASLANIK by first class mail. On June 27,
20 2013, a Notice of Violation was mailed to OWNER STOUT and INTERESTED PARTIES by
21 certified mail, return receipt requested. On October 29, 2013, a Notice of Violation was mailed to
22 INTERESTED PARTIES by first class mail.

23 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
24 providing notice of the public hearing before the Board of Supervisors on June 3, 2014, was mailed
25 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

26 **FINDINGS AND CONCLUSIONS**

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

1 1. WHEREAS, the accumulation of rubbish on the real property located at 28230 El
2 Toro Road, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number
3 347-420-023 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

4 2. WHEREAS, the OWNERS, or any person having possession or control of the
5 premises shall abate the condition by removing and disposing all accumulated rubbish from the
6 subject real property in strict accordance with all Riverside County Ordinances, including but not
7 limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
14 abated by OWNERS or anyone having possession or control of THE PROPERTY, by removing and
15 disposing of all rubbish from the subject real property in strict accordance with all Riverside County
16 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
17 days of the date of this Order to Abate Nuisance.

18 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County
20 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
21 may be abated and disposed of by representatives of the Riverside County Code Enforcement, a
22 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
23 authorizing entry onto THE PROPERTY when necessary under applicable law.

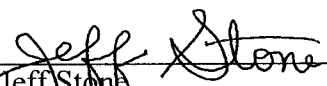
24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.


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Dated: July 15, 2014

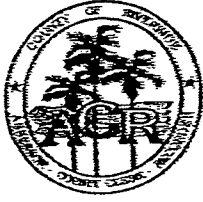
COUNTY OF RIVERSIDE

By 
Jeff Stone
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**

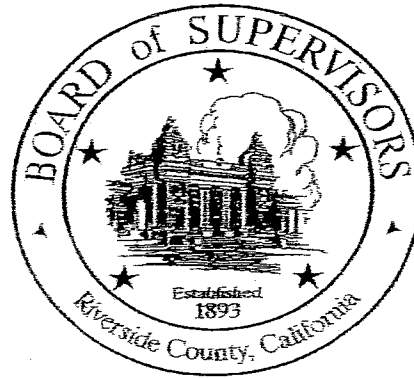
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcikrec.com>

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:

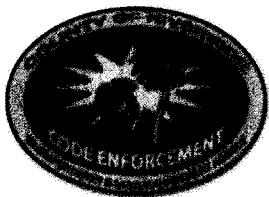
7-15-14

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: CV1202778

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

Maslanik 28

NOTICE LIST

Subject Property: 28230 El Toro Rd. Lake Elsinore;
Case No.: CV12-02778 MASLANIK
APN: 347-420-023; District 1/1

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

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

JEFF T. STOUT
28230 EL TORO RD.
LAKE ELSINORE, CA 92532

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

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

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

DAVID CROSS, DEBRA CROSS AND
JEFF J. STOUT
29998 LAGUNITA CT.
MENIFEE, CA 92584

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

PROOF OF SERVICE
Case No. CV12-02778 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