

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 27, 2014

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-02704 [GRAY]
Subject Property: 2 Parcels South of 23550 Beech Street, Hemet; APN; 432-170-007
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02704;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02704; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02704.

BACKGROUND:
Summary

On July 15, 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 Tavaglione, seconded by Supervisor Benoit 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: September 9, 2014
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 07/15/14; 9.7 | District: 3/3 | Agenda Number:

2-22

FORM APPROVED COUNTY COUNSEL 7/29/14
DATE
BY: GREGORY P. PRIAMOS
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 [Excessive Outside Storage & Accumulated Rubbish]**

Case No. CV13-02704 [GRAY]

Subject Property: 2 Parcels South of 23550 Beech Street, Hemet

APN: 432-170-007

District: 3/3 [\$0.00]

DATE: August 27, 2014

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

09/12/2014

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 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 Michelle Cervantes, Senior Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-02704
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
13 APN 432-170-007, 2 PARCELS SOUTH OF 23550) CONCLUSIONS AND ORDER TO
BEECH STREET, HEMET, RIVERSIDE) ABATE NUISANCE
14 COUNTY, CALIFORNIA; CHRISTOPHER A.)
GRAY, OWNER.) R.C.O. Nos. 348, 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on July 15, 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 2 Parcels South of 23550 Beech Street, Hemet, Riverside County, California, Assessor's
21 Parcel Number 432-170-007 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 Owner did not appear.

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 Nos. 348 and 541 and as
28 a public nuisance.

COPY

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Christopher A. Gray (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Madeline Redfern, Trustee of the Madeline Redfern Trust dated April 17,
6 1996 (hereinafter referred to as “INTERESTED PARTY”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 4,
8 2013, March 11, 2014, March 20, 2014, and May 21, 2014.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: wood, plastic, metal, pipes,
11 irrigation supplies, furniture, green waste, water tank, buckets, barrels, tires, hoses, tubing, sheds,
12 electronics, tanks, lawnmowers, tractors, fencing, mailbox, tools, shelving, building supplies, crates,
13 and miscellaneous items in excess of 1,900 square feet.

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

16 6. On December 27, 2013, a Notice of Pendency of Administrative Proceedings was
17 recorded at the Riverside County Recorder’s Office as instrument number 2013-0597321 and on
18 January 8, 2014 as instrument number 2014-0008377.

19 7. On December 4, 2013, a Notice of Violation was posted on THE PROPERTY. On
20 December 5, 2013, a Notice of Violation was mailed to OWNER by certified mail with return receipt
21 requested and on February 10, 2014, a Notice of Violation was mailed to OWNER and
22 INTERESTED PARTY by first class mail. On April 24, 2014, a Notice of Violation was mailed to
23 OWNER by first class mail.

24 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
26 INTERESTED PARTY and was posted on THE PROPERTY.

27 FINDINGS AND CONCLUSIONS

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on July 15, 2014, finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
3 on the real property located at 2 Parcels South of 23550 Beech Street, Hemet, Riverside County,
4 California, also identified as Assessor's Parcel Number 432-170-007 violates Riverside County
5 Ordinance Nos. 348 and 541 and constitutes a public nuisance.

6 2. WHEREAS, the OWNER, occupants and any other person having possession or
7 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
8 materials by removing and disposing of all rubbish and excessive outside storage on THE
9 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
10 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
18 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
19 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
20 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
21 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
22 mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
24 storage of materials is not removed and disposed of in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
26 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
27 outside storage of materials may be abated and disposed of by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
6 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
7 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
8 collection and administrative costs, attorneys fees, and the costs associated with the removal or
9 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from OWNER 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: September 9, 2014

COUNTY OF RIVERSIDE

By Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Guter
Deputy
(SEAL)



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

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

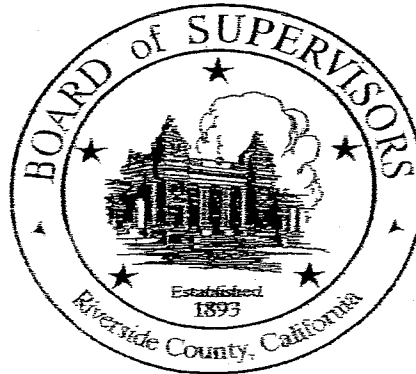
<http://riverside.asrcfrec.com>

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:

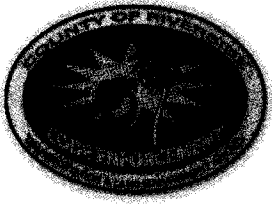
9-9-14

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

September 23, 2014

RE CASE NO: CV1302704

I, Michael Sanders, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
37600 Sky Canyon Drive, Suite G
Murrieta, California 92563
Mail Stop #5155.

That on Sept. 23, 2014 at 10:26 AM, I securely and conspicuously posted Findings of Facts, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 2 Parcels S/O (23550 BEECH ST), JUNIPER FLATS

Assessor's Parcel Number: 432-170-007

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

Executed on September 23, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Michael Sanders, Sr. Code Enforcement Officer

Erin

PROOF OF SERVICE

Case No. CV13-02704 Gray

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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 September 19, 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 September 19, 2014, at Riverside, California.



STACY BAMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 2 Parcels South of 23550 Beech Street, Hemet; Case No.: CV13-02704
APN: 432-170-007; District 3/3- Gray

CHRISTOPHER A. GRAY
P.O. BOX 892
SAN JACINTO, CA 92581

MADLINE REDFERN
TRUSTEE OF THE MADLINE REDFERN TRUST
5974 RIO VALLE DR.
BONSALL, CA 92003