

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



949
A

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 20, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV15-00397 [LAUB]
Subject Property: 55599 Encino Road, Idyllwild
APN: 567-112-009
District: 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00397;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00397; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00397.

BACKGROUND:

Summary

On October 27, 2015, 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)

GREGORY P. PRIAMOS
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:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.: 10/27/15; 9.2

District: 3

Agenda Number:

2-9

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

Departmental Concurrence

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV15-00397 [LAUB]

Subject Property: 55599 Encino Road, Idyllwild

APN: 567-112-009

District: 3 [\$0]

DATE: November 20, 2015

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)

2015-0536911

12/10/2015 03:07 PM

Customer Copy Label

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has not been compared with the
filed/recorded document

Peter Aldana
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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 15-00397
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 567-112-009, 55599 ENCINO ROAD,) CONCLUSIONS AND ORDER TO
IDYLLWILD, RIVERSIDE COUNTY,) ABATE NUISANCE
15 CALIFORNIA; DOROTHEA LAUB. OWNER.)
16 [R.C.O. Nos. 348, 541 and 725]

17 The above-captioned matter came on regularly for hearing on October 27, 2015, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 55599 Encino Road, Idyllwild, Riverside County, Assessor's Parcel Number 567-
21 112-009 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
23 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 ("RCO") Nos. 348 and
28 541 and as 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 Dorothea Laub ("OWNER"). THE PROPERTY is occupied by Derrick
4 Laub ("OCCUPANT").

5 2. Documents of title indicate that no other parties appear to potentially hold a legal
6 interest in THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on February 3, 2015
8 and on seven (7) subsequent follow up inspections, with the last being October 19, 2015.

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: tools, equipment,
11 automotive parts, furniture, cleaning supplies, lumber, appliances, cardboard boxes, bags of trash,
12 household garbage and waste, of about 1,000 square feet.

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

15 6. On May 20, 2015, a Notice of Pendency of Administrative Proceedings was recorded
16 at the Riverside County Recorder's Office as instrument number 2015-0209524.

17 7. On February 3, 2015, a Notice of Violation was posted on THE PROPERTY. On
18 February 5, 2015, a Notice of Violation was mailed to OWNER and OCCUPANT by first class mail.
19 On April 8, 2015, a Notice of Violation was mailed to OWNER by certified mail, return receipt
20 requested.

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

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on October 27, 2015, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
28 on the real property located at 55599 Encino Road, Idyllwild, Riverside County, California, also

1 identified as Assessor's Parcel Number 567-112-009 violates RCO Nos. 348 and 541 and constitutes
2 a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

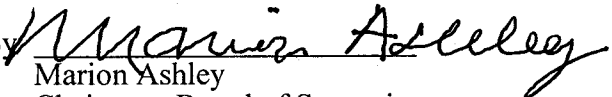
19 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
20 storage of materials are not removed and disposed of in strict accordance with all Riverside County
21 Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date
22 of this Order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

1 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
2 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
3 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
4 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
5 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
6 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
7 Order to Abate Nuisance.

8
9 Dated: December 8, 2015

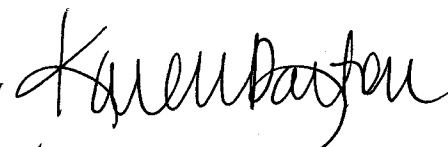
COUNTY OF RIVERSIDE

10
11 By 
12 Marion Ashley
Chairman, Board of Supervisors

13 ATTEST:

14 KECIA HARPER-IHEM

15 Clerk to the Board

16
17 By 
18 Deputy

19 (SEAL)
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21
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27
28



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

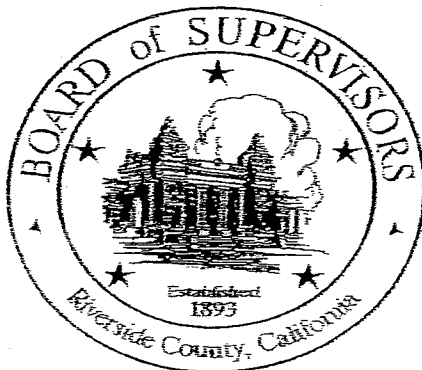
www.riversideacr.com

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:

12-8-15

Signature:

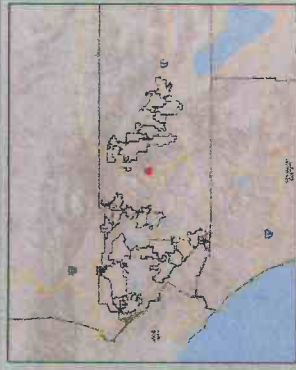
Karen Barton

Print Name:

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

CV15-00397

55599 Encino Road, Idyllwild APN: 567-112-009



Legend

- RCLIS Parcels
- TBM Page
- TBM Grid
- City Boundaries
- Cities
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers



0

308

616 Feet



REPORT PRINTED ON... 7/20/2015 3:10:28 PM

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IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

Notes

Thomas Bros Page 814
Grid F4



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

January 19, 2016

RE CASE NO: CV1500397

I, Anita Bustillos, 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 01/19/2016 at 1:39 p.m., I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, In RE: Abatement of Public Nuisance: [Excessive Outside Storage and Accumulation of Rubbish]; Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification and Notice List at the property described as:

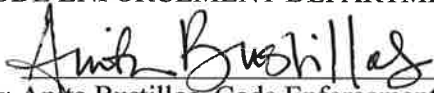
Property Address: 55599 ENCINO RD, IDYLLWILD

Assessor's Parcel Number: 567-112-009

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

Executed on January 19, 2016 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

PROOF OF SERVICE
Case No. CV15-00397 Laub

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 January 4, 2016, I served the following document(s):

- **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**
- **NOTICE LIST**

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 January 4, 2016, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 55599 Encino Road, Idyllwild

Case No.: CV15-00397

APN: 567-112-009; District 3

DOROTHEA LAUB
989 SCOTT STREET
SAN DIEGO, CA 92106

DOROTHEA LAUB
TRUSTEE OF THE LAUB
FAMILY TRUST DATED
MAY 20, 1977
989 SCOTT STREET
SAN DIEGO, CA 92106

DERRICK LAUB
55599 ENCINO ROAD
IDYLLWILD, CA 92549