

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

1093



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

**SUBMITTAL DATE:**  
June 29, 2016

**SUBJECT:** Order to Abate [Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV09-06319 [MCGOWEN]  
Subject Property: 24759 Rosebrugh Lane, Hemet  
APN: 551-302-001  
District: 3 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV09-06319;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV09-06319; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV09-06319.

**BACKGROUND:**

**Summary**

On June 7, 2016, 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

Departmental Concurrence

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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**C.E.O. RECOMMENDATION:**

APPROVE  
BY:   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Washington, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: July 12, 2016  
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

- 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. CV09-06319 [MCGOWEN]

Subject Property: 24759 Rosebrugh Lane, Hemet

APN: 551-302-001

District: 3 [\$0]

**DATE:** June 29, 2016

**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)

**2016-0295169**

07/14/2016 03:28 PM

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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]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-06319  
12 [EXCESSIVE OUTSIDE STORAGE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 551-302-001, 24759 ROSEBRUGH LANE, ) CONCLUSIONS AND ORDER TO  
HEMET, RIVERSIDE COUNTY, CALIFORNIA; ) ABATE NUISANCE  
15 HAROLD D. MCGOWEN, OWNER. )  
R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on June 7, 2016, 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 24759 Rosebrugh Lane, Hemet, Riverside County, Assessor's Parcel Number 551-302-001  
21 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 Harold D. McGowen ("OWNER"). THE PROPERTY is occupied by Justin  
4 McGowen ("OCCUPANT").

5 2. Documents of title indicate that other parties appear to potentially hold a legal interest  
6 in THE PROPERTY, to wit: Lake Hemet Municipal Water District (hereinafter referred to as  
7 "INTERESTED PARTY").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 12, 2011,  
9 and on twenty one (21) subsequent follow up inspections, with the last being May 20, 2016.

10 4. During each inspection an accumulation of rubbish and excess outside storage were  
11 observed throughout THE PROPERTY consisting of but not limited to: furniture, appliances,  
12 buckets, tools, equipment, vehicle parts, gas cans, tires, boxes, green waste, vehicle jack, metal  
13 awning posts, metal, ice chest, home goods and clothes, in excess of 500 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 May 4, 2011, a Notice of Noncompliance was recorded at the Riverside County  
17 Recorder's Office as instrument number 2011-0194726. On August 7, 2013, a Notice of Pendency  
18 of Administrative Proceedings was recorded at the Riverside County Recorder's Office as instrument  
19 number 2013-0384986.

20 7. On April 12, 2011, a Notice of Violation was posted on THE PROPERTY. On April  
21 29, 2011, a Notice of Violation was mailed to OWNER (mailed as Barbara J. McGowen Trust c/o  
22 Harold D. McGowen) and OCCUPANT by certified mail, return receipt requested. On April 13,  
23 2015, a Notice of Violation was mailed to INTERESTED PARTY by certified mail, return receipt  
24 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 was mailed to OWNER,  
27 OCCUPANT, and INTERESTED PARTY by first class mail and was posted on THE PROPERTY.

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**FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on June 7, 2016, finds and concludes that:

1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the real property located at 24759 Rosebrugh Lane, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 551-302-001 violates RCO Nos. 348 and 541 and constitute a public nuisance.

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

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

**ORDER TO ABATE NUISANCE**

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

IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside storage of materials are not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of materials may be abated and disposed of by representatives of the Riverside County Code

1 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.  
6 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses  
7 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
8 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
9 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
10 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER  
11 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this  
12 Order to Abate Nuisance.

13  
14 Dated: July 12, 2016

COUNTY OF RIVERSIDE

15  
16 By   
17 John J. Benoit  
18 Chairman, Board of Supervisors

19  
20  
21

22 ATTEST:

23 KECIA HARPER-IHEM

24 Clerk to the Board

25 By   
26 Deputy  
27 (SEAL)  
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: 7-12-16

Signature: Karen Barton

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board