

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



ITEM
2.14
(ID # 2823)

MEETING DATE:

Tuesday, December 6, 2016

FROM : TLMA/Code Enforcement and COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL AND TLMA/CODE ENFORCEMENT: Order to Abate
[Excessive Outside Storage & Accumulated Rubbish] Case No: CV15-00662
[Mills] Subject Property: 41303 Sequoia Lane, Hemet APN: 449-052-006 District:
3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00662;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00662; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00662.

ACTION: Consent

BACKGROUND:

Summary

On September 27, 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 conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.


FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST				
NET COUNTY COST				
SOURCE OF FUNDS:			Budget Adjustment:	
			For Fiscal Year:	

C.E.O. RECOMMENDATION: Approve

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: Benoit
Date: December 6, 2016
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

2.14

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

Impact on Residents 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
Exhibit A



Gregory L. Priamos, Director County Counsel 10/26/2016

2016-0558078

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Customer Copy Label

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Acting Supr. Code Enf. 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 15-00662
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 449-052-006, 41303 SEQUOIA LANE,) CONCLUSIONS AND ORDER TO
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
15 ARTA LOUISE MILLS, OWNER.)
16) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on September 27, 2016, 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 41303 Sequoia Lane, Hemet, Riverside County, Assessor's Parcel Number 449-
21 052-006 and referred to hereinafter as "THE PROPERTY." A true and correct copy of a Thomas
22 Brothers map page indicating the location of THE PROPERTY is attached hereto and incorporated
23 herein by reference as Exhibit "A."

24 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Acting
25 Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement
26 Department.

27 Owner did not appear.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance ("RCO") Nos. 348 and
3 541 and as a public nuisance.

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the owner
6 of THE PROPERTY as Arta Louise Mills ("OWNER"). Occupants reside on THE PROPERTY and
7 their true names are unknown (hereinafter referred to as "OCCUPANTS").

8 2. Documents of title indicate that another party may potentially hold a legal interest in
9 THE PROPERTY, to wit: Mortgage Electronic Registration Systems, Inc., acting as a nominee for
10 Bank of America, N.A.(hereinafter referred to as "INTERESTED PARTY").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on April 6, 2015, and
12 on twelve (12) subsequent follow up inspections, with the last being September 20, 2016.

13 4. During each inspection an accumulation of rubbish and excess outside storage was
14 observed throughout THE PROPERTY consisting of but not limited to: pylons, bottles, furniture,
15 boxes, crates, appliances, hosing, carts, building supplies, trolleys, tables, car parts, pavers, blocks,
16 wood, tarps, cardboard boxes, reusable bags, metal chairs, scrap metal, wheel barrow, bicycle parts, a
17 gas can, red wood chip bags, wooden pallets, broken wood, clothing, bedframes, a child's stroller,
18 plastic tubs, plastic crates, 5 gallon buckets, broken lawn furniture, household furniture, plastic
19 storage containers, 50 gallon metal and plastic barrels, household appliances, pool ladders, chain link
20 fencing, wooden backer board, steel, cinder blocks, constructions cones, tools, dryer vents, extension
21 cords, plastic water jugs, beach lawn chairs, rolling metal tool boxes, fire pit, BBQ, metal ladder, tires,
22 Styrofoam, wooden baby crib, wooden bed frames, old rolled carpet, bricks, shopping carts filled
23 with plastic piping and miscellaneous items, of about 5,950 square feet.

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

26 6. On July 24, 2015, a Notice of Pendency of Administrative Proceedings was recorded
27 at the Riverside County Recorder's Office as instrument number 2015-0328758.

28 7. On April 7, 2015 a Notice of Violation was mailed to OWNER and OCCUPANTS by

1 first class mail and was posted on THE PROPERTY on April 9, 2015. On July 29, 2015, a Notice of
2 Violation was mailed to OWNER and INTERESTED PARTY by certified mail, return receipt
3 requested. On September 8, 2015, a Notice of Violation was mailed to OWNER and OCCUPANTS
4 by first class mail and was posted on THE PROPERTY on September 10, 2015. On June 10, 2016, a
5 Notice of Violation was mailed to OWNER by first class mail and certified mail, return receipt
6 requested.

7 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
8 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER,
9 OCCUPANTS and INTERESTED PARTY by first class mail and was posted on THE PROPERTY.

10 **FINDINGS AND CONCLUSIONS**

11 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
12 regular session assembled on September 27, 2016, finds and concludes that:

13 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
14 on the real property located at 41303 Sequoia Lane, Hemet, Riverside County, California, also
15 identified as Assessor's Parcel Number 449-052-006 violates RCO Nos. 348 and 541 and constitutes
16 a public nuisance.

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

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials

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

6 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
7 storage of materials are not removed and disposed of in strict accordance with all Riverside County
8 Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date
9 of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of
10 materials may be abated and disposed of by representatives of the Riverside County Code
11 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
12 consent or a Court Order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.
16 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER

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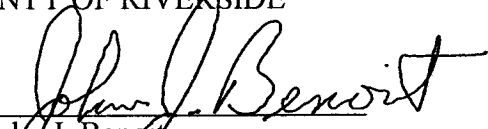
1 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
2 Order to Abate Nuisance.

3

4 Dated: December 6, 2016

COUNTY OF RIVERSIDE

5
6 By


John J. Benoit
Chairman, Board of Supervisors

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8

ATTEST:

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KECIA HARPER-IHEM

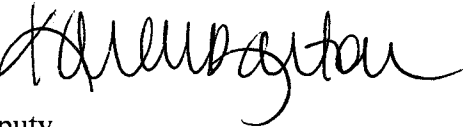
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Clerk to the Board

11

12

By



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Deputy

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(SEAL)

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Exhibit A

CV15-00662

41303 Sequoia Lane APN:449-052-006



Legend

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

Notes

Thomas Bros Map Page 841

"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.

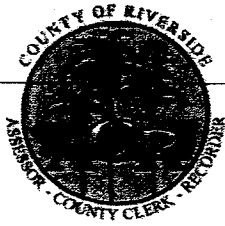
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66 132 Feet



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PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

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

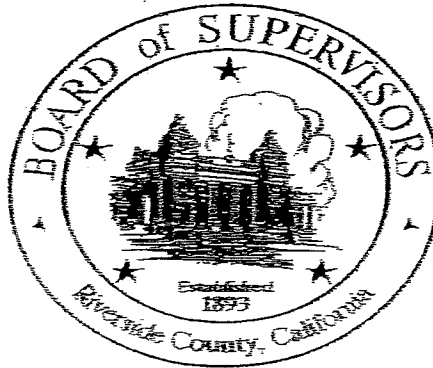
www.riversideacr.com

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:

12-6-16

Signature:

Karen Barton

Print Name:

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