

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



ITEM
2.15
(ID # 2822)

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] Case No: CV14-00733 [Medina] Subject Property:
29375 Blanik Avenue, Nuevo APN: 309-170-070 District: 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00733;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00733; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00733.

ACTION: Consent

BACKGROUND:

Summary

On September 20, 2016, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage, 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

2.15

**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

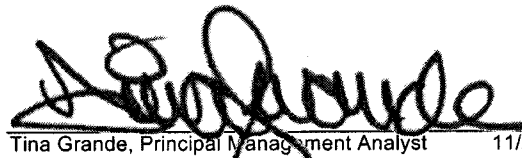
ATTACHMENTS

Findings of Fact
Exhibit A



Gregory V. Priamos, Director County Counsel

10/26/2016



Tina Grande, Principal Management Analyst

11/29/2016

2016-0558079

12/14/2016 02:49 PM

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 14-00733
12 [EXCESSIVE OUTSIDE STORAGE];)
13 APN 309-170-070, 29375 BLANIK AVENUE,) FINDINGS OF FACT,
14 NUEVO, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 RAMON C. MEDINA AND GUILLERMINA) ABATE NUISANCE
16 MEDINA, OWNERS.)
17) R.C.O. Nos. 348 and 725
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

17 The above-captioned matter came on regularly for hearing on September 20, 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 29375 Blanik Avenue, Nuevo, Riverside County, Assessor's Parcel Number 309-
21 170-070 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 Lisa Traczyk, 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 Owners did not appear at the noticed hearing time, but owner Guillermina Medina
28 subsequently appeared during public comment, at which time the Board of Supervisors re-opened

1 and re-heard the matter.

2 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
3 with attached Exhibits, evidencing the excessive outside storage of materials on THE PROPERTY as
4 a violation of Riverside County Ordinance No. 348 and as a public nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owners
7 of THE PROPERTY as Ramon C. Medina and Guillermina Medina ("OWNERS").

8 2. Documents of title indicate that other parties appear to potentially hold a legal interest
9 in THE PROPERTY, to wit: Mortgage Electronic Registration Systems, Inc., acting as a nominee for
10 Just Mortgage, Inc., and Internal Revenue Service (hereinafter referred to as "INTERESTED
11 PARTIES").

12 3. THE PROPERTY was inspected by Code Enforcement Officers on June 17, 2014,
13 and on six subsequent follow up inspections, with the last inspection occurring on September 19,
14 2016.

15 4. During each inspection excessive outside storage was observed throughout THE
16 PROPERTY consisting of but not limited to: scrap wood, scrap metal, constructions material and
17 machinery, of about 1,000 square feet.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 No. 348 by the Code Enforcement Officer.

20 6. On October 23, 2015, a Notice of Pendency of Administrative Proceedings was
21 recorded at the Riverside County Recorder's Office as instrument number 2015-0465956.

22 7. On June 17, 2014, a Notice of Violation was posted on THE PROPERTY. On July 2,
23 2014, a Notice of Violation was mailed to OWNERS by first class mail. On March 11, 2015, a
24 Notice of Violation was mailed to OWNERS and INTERESTED PARTY Internal Revenue Service
25 and Just Mortgage, Inc. by certified mail, return receipt requested. On May 17, 2016, a Notice of
26 Violation was mailed to INTERESTED PARTY Mortgage Electronic Registration Systems, Inc., by
27 certified mail, return receipt requested.

28 ///

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

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on September 20, 2016, finds and concludes that:

7 1. WHEREAS, the excessive outside storage of materials on the real property located at
8 29375 Blanik Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel
9 Number 309-170-070 violates Riverside County Ordinance No. 348 and constitutes a public
10 nuisance.

11 2. WHEREAS, the OWNERS, occupants and any other person having possession or
12 control of THE PROPERTY shall abate the excessive outside storage of materials by removing and
13 disposing of all excessive outside storage on THE PROPERTY in excess of two hundred (200)
14 square feet and in excess of three (3) feet in height in strict accordance with all Riverside County
15 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)
16 days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS ORDERED that the excessive outside storage of materials on THE PROPERTY be
24 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and
25 disposing of all excessive outside storage of materials on THE PROPERTY in excess of two
26 hundred (200) square feet and in excess of three (3) feet in height in strict accordance with all
27 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348,
28 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the excessive outside storage of materials are not
2 removed and disposed of in strict accordance with all Riverside County Ordinances, including but
3 not limited to Riverside County Ordinance No. 348 within ninety (90) days of the date of this Order
4 to Abate Nuisance, the excessive outside storage of materials may be abated and disposed of by
5 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
6 Department upon receipt of an owner's consent or a Court Order when necessary under applicable
7 law.

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

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

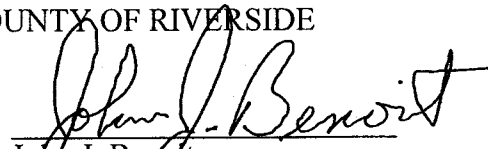
28 ///

1 of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from OWNERS even if THE PROPERTY is brought into compliance within ninety (90)
3 days of the date of this Order to Abate Nuisance.

4
5 Dated: December 6, 2016

COUNTY OF RIVERSIDE

6
7 By


John J. Benoit
Chairman, Board of Supervisors

8
9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13 By

14 Deputy

15 (SEAL)

Exhibit A

CV14-00733

29375 Blanik Ave., Nuevo



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

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
APN 308-170-070
TG Page 808, Grid G-3

0 212 424 Feet



REPORT PRINTED ON... 3/28/2016 11:36:30 AM

© Riverside County TLMA GIS



PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

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

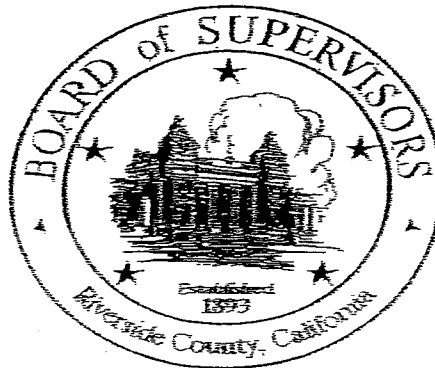
www.riversideacr.com

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