

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

4013



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Grading Without a Permit, Excessive Outside Storage & Accumulated Rubbish]
Case Nos. : CV10-05341 and CV10-05342
Subject Property: 47650 Kibberly Ann Drive, Aguanga; APN: 583-200-038
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 10-05341 and CV10-05342 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case Nos. CV 10-05341 and CV 10-05342; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 10-05341 and CV 10-05342.

(Continued)

L. A. Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	☐
Requires 4/5 Vote	☐

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

Dep't Recomm.: ☒ Consent ☐ Policy

Per Exec. Ofc.: ☒ Consent ☐ Policy

Abatement of Public Nuisance
Case Nos.: CV10-05341 and CV10-05342 [ALLEN]
47650 Kibberly Ann Drive, Aguanga
District Three
Page 2

BACKGROUND:

On January 11, 2011, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the illegal grading, excess outside storage and accumulation of 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 the Findings of Fact, Conclusions and Order to Abate.

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

5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS.: CV 10-05341 and CV10-
12 [EXCESSIVE OUTSIDE STORAGE OF) 05342
MATERIALS, GRADING WITHOUT PERMITS)
13 AND ACCUMULATION OF RUBBISH]; APN) FINDINGS OF FACT,
14 583-200-038, 47650 KIBBERLY ANN DRIVE,) CONCLUSIONS AND ORDER TO
AGUANGA, COUNTY OF RIVERSIDE, STATE) ABATE NUISANCE
15 OF CALIFORNIA; PRESTON K. ALLEN AND)
BARBARA A. ALLEN, OWNERS.) [R.C.O. No. 348 (RCC Chapter 17),
16) RCO No. 457 (RCC Title 15), RCO No.
17) 541 (RCC Chapter 8.120) and 725
(RCC Title 1) and Board of Supervisors
Policy F-6]

18
19 The above-captioned matter came on regularly for hearing on January 11, 2011, before the
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
22 property described 47650 Kibberly Ann Drive, Aguanga, Assessor's Parcel Number 583-200-038
23 and referred to hereinafter as "THE PROPERTY."

24 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
25 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

26 Owner Preston K. Allen appeared. Owner's engineer also appeared and addressed the Board.

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

1 accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348
2 (Riverside County Code Chapter 17.16), 457 (Title 15) and 541 (Riverside County Code Chapter
3 8.120), and as a public nuisance.

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the owner of
6 THE PROPERTY as Preston K. Allen and Barbara A. Allen ("OWNERS").

7 2. Documents of title indicate that another party potentially holds a legal interest in THE
8 PROPERTY, to wit: Discover Bank ("INTERESTED PARTY").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 29, 2010,
10 August 11, 2010, September 17, 2010, December 6, 2010 and January 7, 2011.

11 4. During each inspection, grading was observed on THE PROPERTY without permits
12 and which deviated from the natural topography.

13 5. During each inspection an accumulation of rubbish and excess outside storage was also
14 observed throughout THE PROPERTY consisting of but not limited to: appliances, wood, metal, a
15 water heater, motorcycle parts and plumbing equipment.

16 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Chapter 17.16), 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code
18 Enforcement Officer.

19 7. On July 19, 2010, a Notice of Noncompliance for the grading without permit was
20 recorded at the Riverside County Recorder's Office as instrument number 2010-0335466. On the
21 same date, a Notice of Noncompliance for the excess outside storage and accumulation of rubbish
22 was recorded at the Riverside County Recorder's Office as instrument number 2010-0335468.

23 8. On July 1, 2010, Notices of Violation were posted on THE PROPERTY. On July 13,
24 2010 and July 26, 2010, Notices of Violation for Unapproved Grading, Excess Outside Storage of
25 Materials and Accumulation of Rubbish were mailed by certified mail, return receipt requested to
26 OWNER and INTERESTED PARTY.

27 9. On November 30, 2010, a "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January

1 11, 2011, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
2 PARTY and was posted on THE PROPERTY on December 6, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on January 11, 2011, finds and concludes that:

6 1. WHEREAS, the grading without permit, excessive outside storage of materials and
7 accumulation of rubbish on the real property located at 47650 Kibberly Ann Drive, Aguanga,
8 Riverside County, California, also identified as Assessor's Parcel Number 583-200-038 violates
9 Riverside County Ordinance Nos. 348, (RCC Chapter 17.16), 457 (RCC Title 15) and 541 (RCC
10 Chapter 8.120) and constitutes a public nuisance.

11 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
12 THE PROPERTY shall abate the condition by restoring THE PROPERTY to the satisfaction of the
13 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
14 accordance with all Riverside County Ordinances, including but not limited to Riverside County
15 Ordinance No. 457, within ninety (90) days.

16 3. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that a five (5)
17 year hold on the issuance of building permits and land use approvals may be placed on THE
18 PROPERTY. Upon restoration of THE PROPERTY and payment of the lien, the five (5) year hold
19 on the building permit issuance and land use approvals will be released.

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

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

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8

9
0
1
2
3
4
5
6

7
8
9
0
1
2

3
4
5
6
7
8

FORM APPROVED COUNTY COUNSEL
BY: CH FONG / 1/24/11 DATE
L. ALEXANDRA FONG

1 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
2 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 Riverside
6 County Ordinance Nos. 457 (Title 15), 348 (Title 17), 541 (Title 8) and 725 (Title 1). Under
7 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related
8 to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not
9 be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
10 costs associated with the removal or correction of the violation." Reasonable abatement costs
11 accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if
12 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
13 Abate Nuisance.

14 Dated: _____ COUNTY OF RIVERSIDE
15
16 By _____
17 Marion Ashley
18 Chairman, Board of Supervisors

18 ATTEST:
19
20 KECIA HARPER-IHEM
21 Clerk to the Board

22 By
23 Deputy
24 (SEAL)
25
26
27

28 L:\Code Enforcement\Abatements\2010\2010\CV10-05341 & CV10-05342\348, 457, 541 FOF.DOC