

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 16, 2006

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-1028
Subject Property: 10340 Vernon Avenue, Blythe; APN 869-090-045
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1028 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 No. CV 06-1028; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1028.

BACKGROUND:

On November 7, 2006 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 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, Conclusion and Order to Abate.

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, 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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Dep't Recomm.: Policy Policy
Per Exec. Ofc.: Consent Consent

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RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: | **District:** 4 | **Agenda Number:**

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-1028
[ACCUMULATION OF RUBBISH]; APN 869-)
090-045, 10340 VERNON AVENUE, BLYTHE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; RONALD) CONCLUSIONS AND ORDER TO
E. TOLLETTE AND FANNIE M. TOLLETTE,) ABATE NUISANCE
OWNERS.)
_____) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on November 7, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as the vacant lot off 10340 Vernon Avenue, Blythe, Riverside County, and further described as APN 869-090-045 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Lou Pizatella, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the property owners.

The Board of Supervisors received the Declaration of Code Enforcement Officer Hector Herrera, together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Ronald E. Tollette and Fannie M. Tollette ("OWNERS").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 21,
7 2006, May 9, 2006, June 6, 2006, August 10, 2006 and October 13, 2006.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: metal, wood, discarded appliances,
10 household trash, discarded rugs, discarded furniture, carpet, electronics, a swamp cooler and other
11 miscellaneous items.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on April 7, 2006 as instrument number 2006-0250585.

16 7. On February 21, 2006, a Notice of Violation for accumulated rubbish was posted on
17 THE PROPERTY. On March 2, 2006 and June 29, 2006, Notices of Violation was mailed by
18 certified mail, return receipt requested to the OWNERS.

19 8. On October 4, 2006, a "Notice To Abate Nuisance" providing notice of the public
20 hearing before the Board of Supervisors on November 7, 2006 was mailed by certified mail, return
21 receipt requested, to the OWNERS and posted on THE PROPERTY on October 13, 2006.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on November 7, 2006 finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 10340
26 Vernon Avenue, Blythe, Riverside County, California, also identified as Assessor's Parcel Number
27 869-090-045 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, THE OWNERS, or any person having possession or control of the

1 premises should abate the condition by removing and disposing of the rubbish from the subject real
2 property in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

9 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
10 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
11 and disposing of the rubbish from the subject real property in strict accordance with all Riverside
12 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
13 8.120) within ninety (90) days of the date of this order.

14 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
15 accordance with all Riverside County Ordinances, including but not limited to Riverside County
16 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
17 shall be abated by representatives of the Riverside County Code Enforcement Department, a
18 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
19 authorizing entry onto THE PROPERTY when necessary under applicable law.

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
23 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
24 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
25 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
26 collection and administrative costs, attorneys fees, and the costs associated with the removal or
27 correction of

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

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5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Bob Buster
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO
12 Clerk to the Board

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14
15 By
16 Deputy

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19 (SEAL)

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