

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

211 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 22, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV06-4049
Subject Property: Southeast Side of Club View Drive and Galley Drive, North Shore;
APN 723-340-001
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV06-4049 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. CV06-4049; 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. CV06-4049.

BACKGROUND:

On January 9, 2007, 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, Conclusions and Order to Abate.

Departmental Concurrence

Warren Chu

WARREN Y. CHU, 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 *[Signature]*

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

RECEIVED RIVERSIDE COUNTY
JAN 23 2007 3:08 PM

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

2 . 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEN RECORDED PLEASE MAIL TO:
Warren Y. Chu, 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. CV06-4049
[ACCUMULATION OF RUBBISH]; APN 723-)
340-001, SOUTHEAST SIDE OF CLUB VIEW) FINDINGS OF FACT,
DRIVE AND GALLEY DRIVE, NORTH SHORE,) CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
EDWARD G. MORAN, MARGARET E. BAILEY,)
AND JULIE J. CHOATE, 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 January 9, 2007, 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 the Southeast Side of Club View Drive and Galley Drive, North Shore, Riverside County, and further described as APN 723-340-001 (hereinafter referred to as "THE PROPERTY").

Warren Y. Chu, Deputy County Counsel, appeared along with Jim Monroe, 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 the Code Enforcement Officer 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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Edward G. Moran, Margaret E. Bailey, and Julie J. Choate (hereinafter
4 collectively referred to as "OWNERS").

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

7 3. THE PROPERTY was inspected by the Code Enforcement Officer on June 27, 2006,
8 July 6, 2006, July 7, 2006, August 24, 2006, November 27, 2006, and January 5, 2007.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: household waste, tires, furniture,
11 appliances, and green waste. The amount of the accumulation of rubbish was approximately one
12 thousand five hundred seventy-seven (1,577) square feet.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on August 30, 2006, as instrument number 2006-0642581.

17 7. On July 6, 2006, a Notice of Violation for accumulated rubbish was posted on THE
18 PROPERTY. On July 18, 2006, a Notice of Violation was mailed by certified mail, return receipt
19 requested, to the OWNERS.

20 8. On November 21, 2006, a "Notice To Abate Nuisance" providing notice of the public
21 hearing before the Board of Supervisors on January 9, 2007, was mailed by certified mail, return
22 receipt requested, to the OWNERS and posted on THE PROPERTY on November 27, 2006.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on January 9, 2007, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at Southeast
27 Side of Club View Drive and Galley Drive, North Shore, Riverside County, California, also
28 identified as Assessor's Parcel Number 723-340-001 violates Riverside County Ordinance No. 541

1 and constitutes a public nuisance.

2 2. WHEREAS, THE OWNERS, or any person having possession or control of the
3 premises should abate the condition by removing and disposing of the rubbish from the subject real
4 property in strict accordance with all Riverside County Ordinances, including but not limited to
5 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

10 **ORDER TO ABATE NUISANCE**

11 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
12 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
13 and disposing of the rubbish from the subject real property in strict accordance with all Riverside
14 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
15 8.120) within ninety (90) days of the date of this order.

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

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

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
John Tavaglione
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO
Clerk to the Board

By
Deputy

(SEAL)

g:\property\01-code\bs\abatement\moran4049\541.1ownr.fof.doc