

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

631B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 5, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 05-4753; SHETH
Subject Property: 23740 Mt. Vernon Place, Canyon Lake: APN 350-192-028
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-4753 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 05-4753; 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 05-4753.

Departmental Concurrence

BACKGROUND:

On February 27, 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 and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

[Handwritten Signature]

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 *[Handwritten Signature]*

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

3081 MYB -P V011: 50
RECEIVED RIVERSIDE COUNTY

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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 05-4753
[ACCUMULATION OF RUBBISH]; APN 350-)
192-028, 23740 MT. VERNON PLACE, CANYON) FINDINGS OF FACT,
LAKE, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
DILIP B. SHETH, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 541 (RCC Chapter 8.120)
) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on February 27, 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 23740 Mt. Vernon Place, Canyon Lake, Riverside County, and further described as Assessor's Parcel Number 350-192-028 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, 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 owner.

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.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as Dilip B. Sheth (“OWNER”).

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to-wit: Riverside County Tax Collector (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on October 2, 2005,
7 February 1, 2006, May 15, 2006, June 28, 2006, October 23, 2006, January 2, 2007 January 25,
8 2007, February 4, 2007 and February 26, 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 furnishings, cardboard,
11 clothing, plastic tarps, scrap wood, office furniture, household trash, used tires, auto parts, paint cans
12 and miscellaneous items.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 (Riverside County Code 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 May 25, 2006 as instrument number 2006-0380672.

17 7. On February 1, 2006 and June 28, 2006, Notices of Violation for accumulated rubbish
18 were posted on THE PROPERTY. On February 6, 2006, a Notice of Violation was mailed by
19 certified mail, return receipt requested to OWNER.

20 8. On December 28, 2006, a “Notice To Correct County Ordinance Violations and Abate
21 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on February
22 6, 2007 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
23 PARTY. On January 25, 2007, a “Rescheduled Notice to Abate Public Nuisance” providing notice
24 of the public hearing before the Board of Supervisors on February 27, 2007 was mailed certified
25 mail to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on January 25,
26 2007.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on February 27, 2007 finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at 23740 Mt.
3 Vernon Place, Canyon Lake, Riverside County, California, also identified as Assessor's Parcel
4 Number 350-192-028 violates Riverside County Ordinance No. 541 and constitutes a public
5 nuisance.

6 2. WHEREAS, THE OWNER AND INTERESTED PARTY, or any person having
7 possession or control of the premises should abate the condition by removing and disposing of all
8 accumulated rubbish from the subject real property in strict accordance with all Riverside County
9 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
10 within ninety (90) days.

11 3. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY
12 FURTHER NOTICED that the time within which judicial review of the administrative
13 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
14 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
15 Civil Procedure Section 1094.6.

16 **ORDER TO ABATE NUISANCE**

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

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

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
3 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
4 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
5 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
6 collection and administrative costs, attorneys fees, and the costs associated with the removal or
7 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
8 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
9 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

10
11 Dated: _____

COUNTY OF RIVERSIDE

12
13 By _____
14 John Tavaglione
Chairman, Board of Supervisors

15 ATTEST:

16
17 NANCY ROMERO

18 Clerk to the Board

19
20 By
21 Deputy

22
23 (SEAL)

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