

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

809B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 19, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-5454; VALOV
Subject Property: 21165 Cajalco Road, Perris; APN 318-160-003
District One

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.

[Handwritten Signature]

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

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]*

- Consent
- Policy
- Consent
- Policy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 1 | Agenda Number:

Order to Abate [Accumulation of Rubbish];

Case No.: CV 06-5454; VALOV

Subject Property: 21165 Cajalco Road, Perris; APN 318-160-003

District One

BACKGROUND:

On March 13, 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, Conclusion and Order to Abate.

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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 06-5454
[ACCUMULATION OF RUBBISH]; APN 318-)	
160-003, 21165 CAJALCO ROAD, PERRIS,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;)	CONCLUSIONS AND ORDER TO
WILLIAM VALOV, 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 March 13, 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 21165 Cajalco Road, Perris, Riverside County, and further described as Assessor's Parcel Number 318-160-003 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.

William Valov appeared and spoke to Jim Monroe prior to the public hearing but did not address the Board of Supervisors during the public hearing.

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 Owner of
3 THE PROPERTY as William Valov ("OWNER").

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 September 5,
7 2006, November 16, 2006 and February 7, 2007.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The accumulated rubbish consisted of, but was not limited to: piles of wood, tires,
10 household trash, debris and miscellaneous items. Using the pacing method, wherein one pace was
11 equal to three feet, the accumulated rubbish was determined to be two hundred and forty-three square
12 feet of rubbish scattered throughout THE PROPERTY.

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 September 29, 2006 as instrument number 2006-
17 0722095.

18 7. On September 5, 2006, a Notice of Violation for accumulated rubbish was posted on
19 THE PROPERTY. On October 16, 2006 a Notice of Violation was mailed by certified mail, return
20 receipt requested to the OWNER.

21 8. On February 5, 2007, a "Notice To Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
23 13, 2007 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE
24 PROPERTY on February 7, 2007.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on March 13, 2007 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 21165

1 Cajalco Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 318-
2 160-003 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

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

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 John Tavaglione
Chairman, Board of Supervisors

10 ATTEST:

11
12 NANCY ROMERO
13 Clerk to the Board
14

15
16 By
17 Deputy
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19
20 (SEAL)
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