

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

422 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 23, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-3384
Subject Property: 2 Lots South of 24021 Washington Avenue, Ripley; APN 872-233-019
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3384 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 06-3384; 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 06-3384.

BACKGROUND:

On April 17, 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.



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

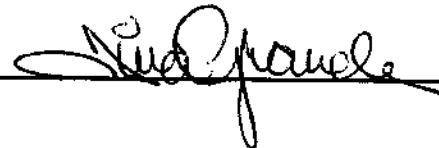
FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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



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

Prev. Agn. Ref.:

District: 4

Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

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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 06-3384
[ACCUMULATION OF RUBBISH]; APN 872-)	
233-019, 2 LOTS SOUTH OF 24021)	FINDINGS OF FACT,
WASHINGTON AVENUE, RIPLEY, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; BIRDIE CRAWFORD)	ABATE NUISANCE
AND LAVERNE CRAWFORD, 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 April 17, 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 2 Lots South of 24021 Washington Avenue, Ripley, Riverside County, and further described as Assessor's Parcel Number 872-233-019 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement 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.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Birdie Crawford and Laverne Crawford ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Thomas J. Callan, Jr. and Robert E. Carey, Executors of the Estate of Birdgie
6 E. Callan and Thomas J. Callan, Jr. and Helen J. Carey, Executors of the Estate of Thomas J. Callan.
7 Thomas J. Callan, Jr. and Robert E. Carey, Executors of the Estate of Birdgie E. Callan; and Thomas
8 J. Callan, Jr. and Helen J. Carey, Executors of the Estate of Thomas J. Callan, c/o Howard M.
9 Daschbach; and Jack H. Olive ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on June 1, 2006, July
11 12, 2006, August 8, 2006, November 29, 2006, March 12, 2007 and April 9, 2007.

12 4. During each inspection, an accumulation of rubbish was observed on THE
13 PROPERTY. The rubbish consisted of, but was not limited to: metal, wood, toys, appliances,
14 furniture, auto parts and used car tires. The accumulation of rubbish was measured to be
15 approximately one thousand and two hundred (1,200) square feet.

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

18 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
19 County of Riverside, State of California on September 15, 2006 as instrument number 2006-
20 0683204.

21 7. On June 1, 2006, a Notice of Violation for accumulated rubbish was posted on THE
22 PROPERTY. On June 9, 2006, a Notice of Violation was mailed by certified mail, return receipt
23 requested to the OWNERS in care of Thomas J. Callan, Jr. On August 14, 2006, a Notice of
24 Violation was mailed by certified mail, return receipt requested to the OWNERS. On October 10,
25 2006, a Notice of Violation was mailed by certified mail, return receipt requested to the OWNERS
26 and INTERESTED PARTIES.

27 8. On March 6, 2007, a "Notice To Abate Nuisance" providing notice of the public
28 hearing before the Board of Supervisors on April 17, 2007 was mailed by certified mail, return

1 receipt requested, to the OWNERS and INTERESTED PARTIES and posted on THE PROPERTY
2 on March 12, 2007.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on April 17, 2007 finds and concludes that:

6 1. WHEREAS, the accumulation of rubbish on the real property located at 2 Lots South
7 of 24021 Washington Avenue, Ripley, Riverside County, California, also identified as Assessor's
8 Parcel Number 872-233-019 violates Riverside County Ordinance No. 541 and constitutes a public
9 nuisance.

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

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
21 and disposing of the rubbish from the subject real property in strict accordance with all Riverside
22 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
23 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

1 THE PROPERTY when necessary under applicable law.

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

12

13 Dated: _____

COUNTY OF RIVERSIDE

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15 By _____
16 John Tavaglione
17 Chairman, Board of Supervisors

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20 ATTEST:

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23 NANCY ROMERO

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25 Clerk to the Board

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By

Deputy

(SEAL)

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