

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

203B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
June 18, 2007

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 05-6522  
Subject Property: 45701 Terwilliger Rd., Anza; APN 579-270-024  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-6522 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 05-6522; 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 05-6522.

**BACKGROUND:**

On June 12, 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.

*[Signature]*  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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

BY:

*[Signature]*  
Tina Grande

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

Prev. Agn. Ref.:

District: 3

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 05-6522
[ACCUMULATION OF RUBBISH]; APN 579-	)	
270-024, 45701 TERWILLIGER ROAD, ANZA,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; BILLIE	)	CONCLUSIONS AND ORDER TO
FRANKLIN SPRIGGS, GERALDINE A.	)	ABATE NUISANCE
SPRIGGS AND MARTHA PATRICIA VILLA,	)	
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 June 12, 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 45701 Terwilliger Road, Anza, Riverside County, and further described as Assessor's Parcel Number 579-270-024 referred to hereinafter as "THE PROPERTY."

Tiffany 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 owners.

The Board of Supervisors received the Declaration of 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  
3 OWNERS of THE PROPERTY as Billie Franklin Spriggs, Geraldine A. Spriggs and Martha Patricia  
4 Villa ("OWNERS").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 14,  
8 2005, April 11, 2006, February 5, 2007 and May 1, 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: scrap wood, green waste, old  
11 appliances, auto parts, old furniture, metal drums and household trash. The accumulated rubbish on  
12 THE PROPERTY was estimated to be approximately one thousand eight hundred twenty four  
13 (1,824) square feet.

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

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
17 County of Riverside, State of California on April 27, 2006 as instrument number 2006-0306479.

18 7. On December 14, 2005, a Notice of Violation was posted on THE PROPERTY. On  
19 April 25, 2006, a Notice of Violation was mailed by certified mail, return receipt requested to  
20 OWNERS.

21 8. On May 1, 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 June 12,  
23 2007 was mailed by certified mail, return receipt requested, to the OWNERS and was posted on THE  
24 PROPERTY on May 2, 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 June 12, 2007 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 45701

1 Terwilliger Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number  
2 579-270-024 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and constitutes a  
3 public nuisance.

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

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

### 13 **ORDER TO ABATE NUISANCE**

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

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

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
28 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
3 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
6 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy

(SEAL)

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