

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 29, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-5882
Subject Property: Vacant Lots on Limonite Ave. and Mann Ave., Riverside
APNS: 161-300-013, 161-300-014 and 161-300-015
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-5882 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 06-5882; 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 06-5882.

BACKGROUND:

On October 23, 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

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

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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
Tina Grande
BY: _____
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 10/23/07; 9.1 | **District:** 2 | **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 06-5882 |
| [ACCUMULATION OF RUBBISH]; APNS 161- |) | |
| 300-013, 161-300-014 AND 161-300-015, |) | FINDINGS OF FACT, |
| VACANT LOTS ON LIMONITE AVE. AND |) | CONCLUSIONS AND ORDER TO |
| MANN AVE., RIVERSIDE, RIVERSIDE |) | ABATE NUISANCE |
| COUNTY, CALIFORNIA; ROGELIO BASTIDA |) | |
| AND VICTORIA VARGAS BASTIDA, |) | [R.C.O. Nos. 541 (RCC Chapter 8.120) |
| OWNERS. |) | and 725 (RCC Title 1)] |

The above-captioned matter came on regularly for hearing on October 23, 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 Three Vacant Lots on Limonite Ave. and Mann Ave., Riverside, Riverside County, and further described as Assessor's Parcel Numbers 161-300-013, 161-300-014 and 161-300-015 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 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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Rogelio Bastida and Victoria Vargas Bastida ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Chou-Ching Chow and Yuh-Feng Chow, trustees of the Chow Revocable Trust
6 (161-300-013 and 1610300-014) and John R. Landon and Cheryl L. Landon (161-300-015)
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was by Code Enforcement officers on December 1, 2006, May 30,
9 2007, August 31, 2007, September 13, 2007, September 27, 2007, and October 19, 2007.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: construction waste, asphalt rubble,
12 concrete rubble, vegetation waste and other trash and debris.

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 February 5, 2007 as instrument number 2007-0085285.

17 7. On December 1, 2006, a Notice of Violation was posted on THE PROPERTY. On
18 February 14, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNERS and INTERESTED PARTIES.

20 8. On September 25, 2007, a "Notice To Correct County Ordinance Violations and
21 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
22 October 23, 2007 was mailed by certified mail, return receipt requested, to the OWNERS and
23 INTERESTED PARTIES and posted on THE PROPERTY on September 27, 2007.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on October 23, 2007 finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at Three Vacant
28 Lots on Limonite Ave. and Mann Ave., Riverside, Riverside County, California, also identified as

1 Assessor's Parcel Numbers 161-300-013, 161-300-014 and 161-300-015 violates Riverside County
2 Ordinance No. 541 and constitutes a public nuisance.

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

12 **ORDER TO ABATE NUISANCE**

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

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

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

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 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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