

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

955 B



SUBMITTAL DATE:
February 15, 2008

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-1829
Subject Property: 8988 Kennedy Street, Riverside
APN 163-140-007
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1829 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 06-1829; 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 06-1829.

BACKGROUND:

On January 29, 2008 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

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

Prev. Agn. Ref.: 01/29/08; 9.2 | District: 2 | Agenda Number:

2-38

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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:) [ACCUMULATION OF RUBBISH]; APN 163-) 140-007, 8988 KENNEDY STREET, RIVERSIDE,) RIVERSIDE COUNTY, CALIFORNIA; PETER J.) HARDISTY, OWNER.))))	CASE NO. CV 06-1829 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE [R.C.O. Nos. 541 (RCC Chapter 8.120) and 725 (RCC Title 1)]
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The above-captioned matter came on regularly for hearing on January 29, 2008, 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 8988 Kennedy Street, Riverside, Riverside County, and further described as Assessor's Parcel Number 163-140-007 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

The Owner, Peter J. Hardisty, appeared and spoke about the administrative abatement process and necessary clean-up of THE PROPERTY with Ms. North and Ms. Overholt prior to the hearing. Mr. Hardisty chose not to address the Board of Supervisors during the public hearing.

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

1 Code Chapter 8.120.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
4 of THE PROPERTY as Peter J. Hardisty ("OWNER").

5 2. Documents of title indicate that an additional party potentially holds a legal interest in
6 THE PROPERTY, to-wit: Dorothy M. Bruins ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 28, 2006,
8 April 30, 2007, June 21, 2007, September 21, 2007, November 1, 2007, December 19, 2007, and
9 January 28, 2008.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: cans, bottles, paper, vegetative waste
12 including shrub and tree trimmings, twigs, leaves and grass clippings, trash, litter, garbage, barrels,
13 bricks, boxes, crates, cartons, containers, cardboard, packaging, construction waste, asphalt and
14 concrete rubble, scrap metal, tires, vehicle parts, mattresses, appliances, equipment, furniture, and
15 other materials. During the inspection on April 30, 2007, the amount of accumulated rubbish on
16 THE PROPERTY was estimated to be approximately one thousand (1000) square feet.

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

19 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
20 County of Riverside, State of California on April 27, 2006 as instrument number 2006-0306893.

21 7. On April 30, 2007 a Notice of Violation was posted on THE PROPERTY. On May
22 9, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER. On
23 July 3, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER
24 and INTERESTED PARTY.

25 8. On December 17, 2007, a "Notice to Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
27 29, 2008 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
28 PARTY and was posted on THE PROPERTY on December 19, 2007.

1 consent or a court order authorizing entry onto THE PROPERTY when necessary under applicable
2 law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 541 and 725 (RCC Chapters 8.120 and 1.16 respectively). Under Riverside
7 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
8 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
9 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
10 costs associated with the removal or correction of the violation." Reasonable abatement costs
11 accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if
12 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
13 Abate Nuisance.

14
15 Dated: _____

COUNTY OF RIVERSIDE

16
17 By _____
18 Roy Wilson
19 Chairman, Board of Supervisors

20 ATTEST:
21 NANCY ROMERO
22 Clerk to the Board

23
24 By
25 Deputy

26 (SEAL)

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