

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

953B



SUBMITTAL DATE:
February 15, 2008

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-7925
Subject Property: 16415 Wagon Wheel Drive, Riverside
APN 245-400-021
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-7925 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 06-7925; 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 06-7925.

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

BY *Tina Grande*
Tina Grande

County Executive Office Signature

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 06-7925
[ACCUMULATION OF RUBBISH]; APN 245-)	
400-021, 16415 WAGON WHEEL DRIVE,)	FINDINGS OF FACT,
RIVERSIDE, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; CHARLOTTE HARRYMAN,)	ABATE NUISANCE
OWNER.)	
)	[R.C.O. Nos. 541 (RCC Chapter 8.120)
)	and 725 (RCC Title 1)]

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 16415 Wagon Wheel Drive, Riverside, Riverside County, and further described as Assessor's Parcel Number 245-400-021 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.

Neighbors William Taylor, Tonya Thompson, Debra Safir and Alan Byers all addressed the Board of Supervisors during the public hearing and spoke of the violations on THE PROPERTY. OWNER, Charlotte Harryman, also addressed the Board of Supervisors and expressed a willingness to clean the property.

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

1 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County
2 Code Chapter 8.120.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
5 of THE PROPERTY as Charlotte Harryman ("OWNER").

6 2. Documents of title indicate that additional parties potentially hold a legal interest in
7 THE PROPERTY, to-wit: Jeff and Nancy Must, Matilija Partners Limited, a California Limited
8 Partnership, and Las Palmas Group, a California Limited Partnership ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on August 22, 2007,
10 September 24, 2007, October 24, 2007, December 12, 2007 and January 28, 2008.

11 4. During each inspection, an accumulation of rubbish was observed on THE
12 PROPERTY. The rubbish consisted of, but was not limited to: wood, household trash, discarded and
13 broken household furniture and other miscellaneous trash and debris, which resulted in a foul odor
14 on THE PROPERTY.

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

17 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
18 County of Riverside, State of California on September 25, 2007 as Instrument Number 2007-
19 0599965.

20 7. On August 22, 2007 a Notice of Violation was posted on THE PROPERTY. On
21 August 24, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to
22 OWNER. On October 29, 2007, the Notice of Violation was mailed via certified mail, return receipt
23 requested to INTERESTED PARTIES.

24 8. On December 11, 2007, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
26 29, 2008 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
27 PARTIES and posted on THE PROPERTY on December 12, 2007.

28 9. During the public hearing on January 29, 2008, neighbors William Taylor, Tonya

1 Thompson, Debra Safir and Alan Byers all addressed the Board of Supervisors and spoke of the
2 violations on THE PROPERTY. Each speaker requested that the Board of Supervisors take
3 immediate steps to obtain compliance on THE PROPERTY. Each also spoke about the number of
4 dogs on THE PROPERTY.

5 10. OWNER, Charlotte Harryman, also addressed the Board of Supervisors and expressed
6 a willingness to bring THE PROPERTY into compliance.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on January 29, 2008 finds and concludes that:

10 1. WHEREAS, the accumulation of rubbish on the real property located at the 16415
11 Wagon Wheel Drive, Riverside, Riverside County, California, also identified as Assessor's Parcel
12 Number 245-400-021 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and
13 constitutes a public nuisance.

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

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

23 **ORDER TO ABATE NUISANCE**

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

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 541 and 725 (RCC Chapters 8.120 and 1.16 respectively). Under Riverside
11 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
12 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
13 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
14 costs associated with the removal or correction of the violation." Reasonable abatement costs

15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if
2 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
3 Abate Nuisance.

4

5 Dated: _____

COUNTY OF RIVERSIDE

6

7 By _____
8 Roy Wilson
9 Chairman, Board of Supervisors

8

9 ATTEST:
10 NANCY ROMERO
11 Clerk to the Board

11

12

13

14 By
15 Deputy

15

16

17 (SEAL)

17

18

19

20

21

22

23

24 L:\DOCS\6000\CV067925\A22581.DOC

24

25

26

27

28

