

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

951B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 15, 2008

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-4551
Subject Property: One Parcel East of 23872 Wells Place, Canyon Lake
APN 350-285-024
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4551 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 07-4551; 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 07-4551.

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

Prev. Agn. Ref.: 01/29/08; 9.6

District: 3

Agenda Number:

2.42



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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 07-4551
[ACCUMULATION OF RUBBISH]; APN 350-)	
285-024 ONE PARCEL EAST OF 23872 WELLS)	FINDINGS OF FACT,
PLACE, CANYON LAKE, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; DAVID MORRELL,)	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 One Parcel East of 23872 Wells Place, Canyon Lake, Riverside County, and further described as Assessor's Parcel Number 350-285-024 referred to hereinafter as "THE PROPERTY."

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

Lisa Albaugh, daughter of owner, appeared. Ms. Albaugh informed Ms. North that she has hired a contractor and is in the process of cleaning THE PROPERTY. Ms. Albaugh did not 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

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 David Morrell ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to-wit: Theresa Gilbertson and Albert Sylvia ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 14, 2007,
9 August 8, 2007, October 31, 2007, January 2, 2008 and 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: remains of an old foundation, tree
12 branches, plastic waste, scrap lumber, tires, paper waste and other miscellaneous items. On June 14,
13 2007, the accumulated rubbish on THE PROPERTY was estimated to cover approximately one
14 thousand and five hundred (1,500) square feet.

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 August 23, 2007 as instrument number 2007-0542652.

19 7. On June 14, 2007, a Notice of Violation was posted on THE PROPERTY. On June
20 22, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER.
21 On July 6, 2007 a Notice of Violation was mailed by certified mail, return receipt requested to
22 OWNER and INTERESTED PARTIES.

23 8. On December 19, 2007, a second "Notice to Correct County Ordinance Violations
24 and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
25 on January 29, 2008 was mailed by certified mail, return receipt requested, to the OWNER and
26 INTERESTED PARTIES and was posted on THE PROPERTY on January 2, 2008.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on January 29, 2008 finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
3 East of 23872 Wells Place, Canyon Lake, Riverside County, California, also identified as Assessor's
4 Parcel Number 350-285-024 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and
5 constitutes a public nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

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

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

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
3 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or
6 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
7 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Roy Wilson
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy

(SEAL)