

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

352B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 22, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 04-1191
Subject Property: One Parcel South of 18029 Clark Street, Perris
APN: 315-110-028
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-1191 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 04-1191; 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 04-1191.

Juzie A.K. Jarvi

JUZIE A.K. JARVI/Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

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.: 07/29/08;9.2

District: 1

Agenda Number:

2.16

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 04-1191

Subject Property: One Parcel South of 18029 Clark Street, Perris

APN: 315-110-028

District One

BACKGROUND:

On July 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 excess outside storage and accumulation of rubbish 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.

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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 04-1191
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 315-110-028, ONE PARCEL SOUTH OF)	CONCLUSIONS AND ORDER TO
18029 CLARK STREET, PERRIS, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; GERARDO AVILA)	
AND OFELIA AVILA, OWNERS.)	[R.C.O. Nos. 348 (RCC Chapter
)	17.120), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]
)	

The above-captioned matter came on regularly for hearing on July 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 South of 18029 Clark Street, Riverside County, California and further described as Assessor's Parcel Number 315-110-028 and referred to hereinafter as "THE PROPERTY."

Warren Y. Chu, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Gerardo Avila appeared on behalf of owners and addressed the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside
2 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners
6 of THE PROPERTY as Gerardo Avila and Ofelia Avila ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: William H. Curry and Catherine Curry; Kern County District Attorney, Family
9 Support Division; Browning Fire Protection, Inc.; Paul Mc Donnell, Tax Collector of County of
10 Riverside; Midland Credit Management, Inc.; The May Dept. Store Co., Inc. DBA Robinsons-May;
11 Cal-Western Reconveyance Corporation; Western United Life Assurance Company; Mortgage
12 Electronic Registration Systems, Inc.; T.D. Service Company; and the Orange County District
13 Attorney, Family Support Division ("INTERESTED PARTIES").

14 3. THE PROPERTY was inspected by Code Enforcement Officers on May 17, 2004,
15 May 20, 2004, July 28, 2004, September 1, 2004, October 6, 2004, April 19, 2005, January 26,
16 2007, May 7, 2007, July 10, 2007, August 16, 2007, August 21, 2007, September 5, 2007,
17 November 13, 2007, February 13, 2008, April 1, 2008, May 27, 2008, June 30, 2008 and July 28,
18 2008.

19 4. During each inspection, the outside storage of materials in excess of two hundred
20 (200) square feet and accumulation of rubbish were observed on THE PROPERTY. The outside
21 storage of materials and rubbish were intermingled and included but were not limited to: Firewood,
22 cargo containers, building material, a mobilehome, a mobilehome frame, tires, bicycle parts, wood,
23 cement pieces, plastic and scrap metal. Given the size of the parcel (2.43 acres) and the zoning
24 classification A-1 (Light Agriculture), no amount of outside storage is allowed on THE PROPERTY
25 because it is an unimproved parcel with no legally permitted structures.

26 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
27 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

28 6. A Notice of Noncompliance was recorded on September 25, 2007 as Document

1 Number 2007-0599966 in the Office of the County Recorder, County of Riverside.

2 7. On August 13, 2004, Notice of Violation for violation of Riverside County Ordinance
3 Nos. 348 and 541 was mailed to OWNERS by certified mail, return receipt requested.

4 8. On September 5, 2007, a Notice of Violation for violation of Riverside County
5 Ordinance Nos. 348 and 541 was posted on THE PROPERTY.

6 9. On September 25, 2007, Notice of Violation for violation of Riverside County
7 Ordinance Nos. 348 and 541 was mailed to OWNERS and all INTERESTED PARTIES except
8 Midland Credit Management, Inc. and Cal-Western Reconveyance Corporation by certified mail,
9 return receipt requested. On April 7, 2008, Notice of Violation for violation of Riverside County
10 Ordinance Nos. 348 and 541 was mailed to INTERESTED PARTY, Midland Credit Management,
11 Inc., by certified mail, return receipt requested.

12 10. On June 26, 2008, the "Notice To Correct County Ordinance Violations and Abate
13 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
14 for July 29, 2008, was mailed by certified mail, return receipt requested, to OWNERS and
15 INTERESTED PARTIES and was posted on THE PROPERTY on June 30, 2008.

16 **FINDINGS AND CONCLUSIONS**

17 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
18 regular session assembled on July 29, 2008 finds and concludes that:

19 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
20 the real property located at One Parcel South of 18029 Clark Street, Perris, Riverside County,
21 California, also identified as Assessor's Parcel Number 315-110-028 violates Riverside County
22 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public
23 nuisance. Under Riverside County Ordinance No. 348 (RCC Chapter 17.120), because the parcel is
24 unimproved, no amount of outside storage of materials is allowed to be stored on THE PROPERTY.

25 Under Riverside County Ordinance No. 541 (RCC Chapter 8.120), no amount of rubbish is allowed
26 to be accumulated on THE PROPERTY.

27 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
28 of the premises should abate the condition by removing all outside storage of materials and removing

1 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
2 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
3 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the excess outside storage of materials and
11 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Gerardo
12 Avila and Ofelia Avila, or anyone having possession or control of THE PROPERTY, by removing
13 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
14 real property in strict accordance with all Riverside County Ordinances, including but not limited to
15 Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within
16 ninety (90) days of the date of this Order to Abate Nuisance.

17 IT IS FURTHER ORDERED that if the excess outside storage of materials and accumulated
18 rubbish are not removed and disposed of in strict accordance with all Riverside County Ordinances,
19 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541
20 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the excess
21 outside storage of materials and accumulation of rubbish shall be abated and disposed of by
22 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
23 Department upon receipt of an owner's consent or a Court Order when necessary under applicable
24 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. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).

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

8
9 Dated: _____

COUNTY OF RIVERSIDE

10

11

By _____

12

Roy Wilson

13

Chairman, Board of Supervisors

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ATTEST:

15

NANCY ROMERO

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Clerk to the Board

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By

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Deputy

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(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 8/19/08
DATE

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