

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

724B



SUBMITTAL DATE:
December 22, 2008

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-9253
Subject Property: 21630 Cypress Avenue, Perris
APN 343-130-025
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-9253 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 07-9253; 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 07-9253.

BACKGROUND:

On December 16, 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.

[Signature]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, Interim 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: *[Signature]*
Tina Grande

County Executive Office Signature

Policy

Consent

X Consent

Dept Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 12/16/08 9.6

District: 5

Agenda Number:

2.13

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:
Julie A.K. Jarvi, 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 07-9253
[ACCUMULATION OF RUBBISH]; APN 343-)
130-025, 21630 CYPRESS AVENUE, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
ESTEBAN AVILES, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 541 (RCC Chapter 8.120)
) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 16, 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 21630 Cypress Avenue, Perris, Riverside County, and further described as Assessor's Parcel Number 343-130-025 referred to hereinafter as "THE PROPERTY."

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

Esteban Aviles, property owner, appeared but did not address the Board of Supervisors.

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 OWNER
3 of THE PROPERTY as Esteban Aviles ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Sal Gonzalez, Frances R. Gonzalez, County of Orange (through the Orange
6 County District Attorney, Family Support Division), and the United States of America (through the
7 Internal Revenue Service ("INTERESTED PARTIES")).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 31, 2007,
9 April 24, 2008, July 21, 2008, November 10, 2008 and December 15, 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: brick, concrete, green waste,
12 household furnishings, scrap wood, metal, tires and trash.

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 December 11, 2007 as instrument number 2007-
17 0740253.

18 7. On October 31, 2007, a Notice of Violation was issued to and signed by tenant
19 Gonzalez. On November 29, 2007, a Notice of Violation was mailed by certified mail, return receipt
20 requested to OWNER and INTERESTED PARTIES.

21 8. On November 5, 2008 a "Notice To Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
23 December 16, 2008 was mailed by certified mail, return receipt requested, to the OWNER and
24 INTERESTED PARTIES and posted on THE PROPERTY on November 10, 2008.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on December 16, 2008 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at the 21630

1 Cypress Avenue, Perris, Riverside County, California, also identified as Assessor's Parcel Number
2 343-130-025 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 12/22/08
JULIE A. KOONS JARVI DATE

L:\DOCS\6000\CV079253\A39333.DOC