

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

809 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 10, 2009

SUBJECT: Order to Abate [Accumulation of Rubbish]; (EUCALYPTUS GROVE)
Case No.: CV 08-06088
Subject Property: 1 Parcel on the Northwest Corner of Simpson Road & Beele Road,
Winchester, APN: 462-020-010
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06088 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 08-06088 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 08-06088.

BACKGROUND:

On October 6, 2009 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 JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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
- Policy
- Consent

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

Prev. Agn. Ref.: 10/20/09; 9.3 | District: 3 | Agenda Number:

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-06088
[ACCUMULATION OF RUBBISH]; APN 462-)
12 020-010, ONE PARCEL ON THE NORTHWEST) FINDINGS OF FACT,
CORNER OF SIMPSON ROAD AND BEELE) CONCLUSIONS AND ORDER TO
13 ROAD, WINCHESTER, RIVERSIDE COUNTY,) ABATE NUISANCE
CALIFORNIA; EUCALYPTUS GROVE,)
14 OWNER.) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15)
16)

17 The above-captioned matter came on regularly for hearing on October 20, 2009, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as One Parcel on the Northwest Corner of Simpson Road and Beele Road,
21 Winchester, Riverside County, and further described as Assessor's Parcel Number 462-020-010
22 referred to hereinafter as "THE PROPERTY."

23 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owner did not appear.

26 The Board of Supervisors received the Declaration of Code Enforcement Officer together
27 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
28 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 Eucalyptus Grove ("OWNER").

5 2. THE PROPERTY was inspected by Code Enforcement Officers on April 9, 2009,
6 April 14, 2009, May 22, 2009, July 30, 2009 and October 15, 2009.

7 3. During each inspection, an accumulation of rubbish was observed on THE
8 PROPERTY. The rubbish consisted of, but was not limited to: paintballs, paper, boxes, green waste,
9 tires, beer cans and miscellaneous items.

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

12 5. A Notice of Noncompliance was recorded in the Office of the County Recorder,
13 County of Riverside, State of California on May 6, 2009 as instrument number 2009-0226203.

14 6. On April 9, 2009, a Notice of Violation was posted on THE PROPERTY. On April
15 14, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER.

16 7. On July 29, 2009, a "Notice to Correct County Ordinance Violations and Abate
17 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
18 20, 2009 was mailed by certified mail, return receipt requested, to the OWNER and was posted on
19 THE PROPERTY on July 30, 2009.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
22 regular session assembled on October 20, 2009 finds and concludes that:

23 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
24 on the Northwest Corner of Simpson Road and Beele Road, Winchester, Riverside County,
25 California, also identified as Assessor's Parcel Number 462-020-010 violates Riverside County
26 Ordinance No. 541 and constitutes a public nuisance.

27 2. WHEREAS, THE OWNER, or any person having possession or control of the
28 premises should abate the condition by removing and disposing all accumulated rubbish from the

1 subject real property in strict accordance with all Riverside County Ordinances, including but not
2 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days.

3 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
4 which judicial review of the administrative determinations made herein must be sought is ten (10)
5 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
6 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
9 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
10 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
11 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
12 8.120) within ten (10) days of the date of this Order to Abate Nuisance.

13 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
14 accordance with all Riverside County Ordinances, including but not limited to Riverside County
15 Ordinance No. 541, within ten (10) days of the date of this Order to Abate Nuisance, the rubbish
16 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a
17 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
18 authorizing entry onto THE PROPERTY when necessary under applicable law.

19 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
20 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
21 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
22 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
23 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
24 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
25 collection and administrative costs, attorneys fees, and the costs associated with the removal or
26 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ten (10) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  JULIE A. KOONS JARVI
DATE: 10/26/09