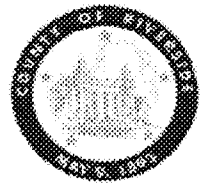


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

7128



SUBMITTAL DATE:
January 13, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-3264 (MENIFEE VALLEY INV. PROP)
Subject Property: 26774 Richmond Road, Winchester
APN 458-250-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3264 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 07-3264; 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 07-3264.

BACKGROUND:

On December 15, 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: *Alex Gann*

Alex Gann

County Executive Office Signature

Dept's Recomm.:
X Consent Policy
 Consent Policy

Prev. Agn. Ref.: 12/15/09; 9.2 | 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 07-3264
[ACCUMULATION OF RUBBISH]; APN 458-)
12 250-012, 26774 RICHMOND ROAD,) FINDINGS OF FACT,
WINCHESTER, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; MENIFEE VALLEY INV. PROP.,) ABATE NUISANCE
OWNER.)
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15

16 The above-captioned matter came on regularly for hearing on December 15, 2009, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 26774 Richmond Road, Winchester, Riverside County, and further described as
20 Assessor's Parcel Number 458-250-012 referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Menifee Valley Inv. Prop ("OWNER").

4 2. THE PROPERTY was inspected by the Code Enforcement Technician on April 9,
5 2009, April 15, 2009, May 22, 2009, August 26, 2009, and December 14, 2009.

6 3. During each inspection, an accumulation of rubbish was observed on THE
7 PROPERTY. The rubbish consisted of, but was not limited to: furniture, tires, buckets, metal, wood,
8 green waste and other miscellaneous items and measured approximately seventeen thousand five
9 hundred fifty (17,550) square feet.

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 2009-0226207.

14 7. On April 9, 2009 and April 15, 2009, Notices of Violation were posted on THE
15 PROPERTY. On April 16, 2009, a Notice of Violation was mailed by certified mail, return receipt
16 requested to OWNER.

17 8. On August 24, 2009, a "Notice to Correct County Ordinance Violations and Abate
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December
19 15, 2009 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE
20 PROPERTY on August 26, 2009.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
23 regular session assembled on December 15, 2009 finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at 26774
25 Richmond Road, Winchester, Riverside County, California, also identified as Assessor's Parcel
26 Number 458-250-012 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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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 _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 1/18/10 DATE
JULIE A. KOONS JARVI