

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

415 B



**SUBMITTAL DATE:**  
March 25, 2010

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 08-02166 (HARTS, ET AL)  
Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris  
APN 323-070-024  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02166 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 08-02166; 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 08-02166.

**BACKGROUND:**

On March 16, 2010, 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. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

Dept' Recomm.:  Policy  Policy  
 Consent  Consent  Policy  
 X  Consent  Policy

Prev. Agn. Ref.: 03/16/10; 9.5 | District: 5 | Agenda Number:

**2.16**

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 A. 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 08-02166  
[ACCUMULATION OF RUBBISH]; APN 323- )  
12 070-024, ONE PARCEL SOUTH OF 22411 OLD ) FINDINGS OF FACT,  
EL SINORE ROAD, PERRIS, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
13 COUNTY, CALIFORNIA; WILLIAM S. HARTS ) ABATE NUISANCE  
AND ROSETTA L. HARTS AS TRUSTEES OF )  
14 THE WILLIAM S. HARTS AND ROSETTA L. ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
HARTS REVOCABLE TRUST DATED 06/29/07, ) and 725 (RCC Title 1)]  
15 FREDDIE DAVIS, RAYMOND G. DAVIS, ET )  
AL, OWNERS. )  
16

17 The above-captioned matter came on regularly for hearing on March 16, 2010, 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 South of 22411 Old Elsinore Road, Perris, Riverside County, and  
21 further described as Assessor's Parcel Number 323-070-024 referred to hereinafter as "THE  
22 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 Owners 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 Code

1 Chapter 8.120.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the  
4 OWNERS of THE PROPERTY as William S. Harts and Rosetta L. Harts, as Trustees of the William  
5 S. Harts and Rosetta L. Harts Revocable Trust Dated 06/29/07, Freddie Davis and Raymond G.  
6 Davis, et al. ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
8 PROPERTY, to-wit: Internal Revenue Service, California Franchise Tax Board and Mr. and Mrs.  
9 John Davis ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 14, 2009,  
11 September 30, 2009, November 13, 2009, February 16, 2010 and March 12, 2010.

12 4. During each inspection, an accumulation of rubbish was observed on THE  
13 PROPERTY. The rubbish consisted of, but was not limited to: general household debris, tires,  
14 asphalt, furniture, car seats and scrap wood.

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 May 1, 2008 as instrument number 2008-0224878.

19 7. On August 14, 2009, a Notice of Violation was posted on THE PROPERTY. On  
20 August 25, 2009 and October 6, 2009, a Notice of Violation was mailed by certified mail, return  
21 receipt requested to OWNERS and INTERESTED PARTIES.

22 8. On February 11, 2010, a "Notice to Correct County Ordinance Violations and Abate  
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March  
24 16, 2010, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
25 PARTIES and was posted on THE PROPERTY on February 16, 2010.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on March 16, 2010, finds and concludes that:



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

FORM APPROVED COUNTY COUNSEL  
BY *[Signature]* 3/23/10  
JULIE A. KOONS JARVI DATE

8  
9 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

10  
11 By \_\_\_\_\_  
12 Marion Ashley  
13 Chairman, Board of Supervisors

14 ATTEST:  
15 KECIA HARPER-IHEM  
16 Clerk to the Board

17  
18 By \_\_\_\_\_  
19 Deputy

20 (SEAL)  
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