

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

514B



SUBMITTAL DATE:
April 8, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-05568 (THOMAS)
Subject Property: 21200 Old Elsinore Road, Perris
APN: 322-150-015
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05568 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 09-05568; 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 09-05568.

BACKGROUND:

On March 23, 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. JARVIS, 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

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

X Consent X Policy
 Consent Policy

Prev. Agn. Ref.: 03/23/10; 9.5 **District:** 1 **Agenda Number:**

2.18

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]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05568
[ACCUMULATION OF RUBBISH]; APN 322-)
12 150-015, 21200 OLD ELSINORE ROAD,) FINDINGS OF FACT,
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 WINIFRED RENEE THOMAS, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on March 23, 2010, 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 21200 Old Elsinore Road, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 322-150-015 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 Corissa Cooks appeared on behalf of owner and did not address the Board of Supervisors.

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.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Winifred Renee Thomas ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Corissa Cooks, Daisey Bennett, Daisy Bennett, Greenpoint Mortgage Funding,
6 Inc., Recontrust Company, Mortgage Electronic Registration Systems, Inc./BAC Home Loans
7 Servicing, LP and National City Bank ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 28, 2009,
9 August 31, 2009, January 12, 2010 and March 22, 2010.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood, cement blocks, bricks,
12 concrete, trash and debris.

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 in September, 2009 as instrument number 2009-0488824.

17 7. On July 28, 2009, a Notice of Violation was posted on THE PROPERTY and a copy
18 was personally served upon Corissa Cooks who represented herself as OWNER. On September 4,
19 2009, a Notice of Violation was mailed to OWNER and INTERESTED PARTIES by certified mail,
20 return receipt requested.

21 8. On December 30, 2009, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
23 26, 2010 and was subsequently continued until March 23, 2010, was mailed by certified mail, return
24 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY
25 on January 12, 2010.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 23, 2010, finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 21200 Old Elsinore Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 322-150-015 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, THE OWNER, or any person having possession or control of the premises should abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto THE PROPERTY when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

FORM APPROVED COUNTY COUNSEL
BY: Julie K DATE: 3/29/10
JULIE A. KOONS JARVI

1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
3 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
4 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
5 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
6 collection and administrative costs, attorneys fees, and the costs associated with the removal or
7 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
8 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
9 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

11 Dated: _____

COUNTY OF RIVERSIDE

13 By _____
14 Marion Ashley
15 Chairman, Board of Supervisors

16 ATTEST:

17 KECIA HARPER-IHEM

18 Clerk to the Board

19 By

20 Deputy

21 (SEAL)