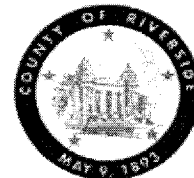


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

515 B



SUBMITTAL DATE:
April 8, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-8107 (SWEENEY)
Subject Property: 22207 De Prad Street, Perris
APN: 325-181-007
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8107 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 07-8107; 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 07-8107.

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. 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

Dept't Recomm.: Policy Policy

Consent Consent Consent

X Consent

Large empty rectangular box for additional comments or signatures.

Prev. Agn. Ref.: 03/23/10; 9.3 **District:** 5 **Agenda Number:**

2.20

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 07-8107
[ACCUMULATION OF RUBBISH]; APN 325-)
12 181-007, 22207 DE PRAD STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; JAMES) CONCLUSIONS AND ORDER TO
13 ALBERT SWEENEY AND NORMAN) ABATE NUISANCE
SWEENEY, OWNERS.)
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 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 22207 De Prad Street, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 325-181-007 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 Owner appeared but 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
3 OWNERS of THE PROPERTY as James Albert Sweeney and Norman Sweeney ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Industrial League Credit Union, Nicole Marie Espinoza & De La Flor, Jeffrey
6 Gwynn, Esq., and Christopher Walker, Esq. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 27,
8 2007, February 13, 2008, March 24, 2008, April 29, 2008, September 30, 2008, April 30, 2009,
9 September 15, 2009, March 9, 2010 and March 19, 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: tires, vehicle parts, dismantled
12 electronics, discarded wood, green waste, dismantled tractor, dismantled boats, dismantled spas,
13 discarded furniture, rubbish and other miscellaneous items.

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

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
17 County of Riverside, State of California on March 19, 2008 as instrument number 2008-0133634.

18 7. On November 27, 2007, a Notice of Violation was posted on THE PROPERTY. On
19 December 20, 2007, a Notice of Violation was mailed to OWNERS by certified mail, return receipt
20 requested. On February 8, 2008, a Notice of Violation was mailed to OWNERS and INTERESTED
21 PARTIES by certified mail, return receipt requested. On July 21, 2008, a Notice of Violation was
22 mailed to INTERESTED PARTIES by certified mail, return receipt requested.

23 8. On February 16, 2010, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
25 23, 2010, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
26 PARTIES and was posted on THE PROPERTY on March 9, 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 22207 De Prad Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 325-181-007 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, THE OWNERS, 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 OWNERS 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 THE OWNERS 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 A. Koons Jarvi DATE 8/29/10

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
Chairman, Board of Supervisors

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

19 By _____
20 Deputy

22 (SEAL)