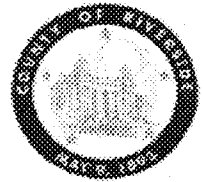


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

1038



SUBMITTAL DATE:  
April 28, 2010

FROM: County Counsel/TLMA  
Code Enforcement Department  
SUBJECT: Order to Abate [Accumulation of Rubbish];  
Case No.: CV 08-08670 (SHROSBREE)  
Subject Property: 28830 Lakeview Avenue, Nuevo  
APN 307-190-023  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-08670 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 08-08670; 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 08-08670.

**BACKGROUND:**

On April 20, 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.

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 ☐  
Requires 4/5 Vote ☐

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

Tina Grande

County Executive Office Signature

Dept't Recomm.: ☐ Policy ☐ Policy  
Consent ☐ Consent ☒  
Per Exec. Ofc.: ☒

Prev. Agn. Ref.: 04/20/10; 9.8

District: 5

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 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**  
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 08-08670  
[ACCUMULATION OF RUBBISH]; APN 307- )  
12 190-023, 28830 LAKEVIEW AVENUE, NUEVO, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; EUGENE ) CONCLUSIONS AND ORDER TO  
13 A. SHROSBREE, 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 April 20, 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 28830 Lakeview Avenue, Nuevo, Riverside County, and further described as  
20 Assessor's Parcel Number 307-190-023 referred to hereinafter as "THE PROPERTY."

21 Julie A. 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 did not appear.

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 Eugene A. Shrosbree ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to-wit: Hubert A. Foutz, Martha R. Foutz, Hubert A. and Martha R. Foutz Living  
6 Trust, Wells Fargo Bank, N.A., and the California Franchise Tax Board ("INTERESTED  
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 10, 2008,  
9 January 6, 2009, August 20, 2009 and April 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: scrap metal, scrap wood, car parts,  
12 tires, green waste and general 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 on January 12, 2009, as instrument number 2009-0013910.

17 7. On October 10, 2008, a Notice of Violation was posted on THE PROPERTY. On  
18 November 7, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to  
19 OWNER. On December 10, 2008, a Notice of Violation was mailed by certified mail, return receipt  
20 requested to OWNER and INTERESTED PARTIES.

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

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on April 20, 2010, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 28830

1 Lakeview Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel Number  
2 307-190-023 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE: 4/26/10

County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)