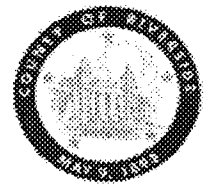


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

156B



**SUBMITTAL DATE:**  
June 3, 2010

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

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 09-01348 (DOWNER)  
Subject Property: 1 Parcel South East of 56498 Benton Way, Anza  
APN 573-260-012  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01348 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 09-01348; 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 09-01348.

**BACKGROUND:**

On May 18, 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.

*L. Alexandra Fong*  
L. ALEXANDRA FONG, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

BY: *Tina Grande*  
County Executive Office Signature Tina Grande

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

*(Empty space for comments or additional information)*

Prev. Agn. Ref.: 05/18/10; 9.3 | 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:  
L. Alexandra Fong, 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 09-01348  
[ACCUMULATION OF RUBBISH]; APN 573- )  
12 260-012, 1 PARCEL SOUTH EAST OF 56498 ) FINDINGS OF FACT,  
BENTON WAY, ANZA, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
13 CALIFORNIA; JACQUELINE D. DOWNER, ) 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 May 18, 2010, before the Board  
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
19 described as One Parcel South East of 56498 Benton Way, Anza, Riverside County, and further  
20 described as Assessor's Parcel Number 573-260-012 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising  
22 Code 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 Jacqueline D. Downer ("OWNER").

4 2. Documents of title indicate that additional parties may potentially hold a legal interest  
5 in THE PROPERTY, to-wit: Wells Fargo Home Mortgage, Inc. and Fidelity National Title Insurance  
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 6, 2009,  
8 May 18, 2009, July 2, 2009, August 10, 2009, October 26, 2009, January 22, 2010, March 16, 2010  
9 and May 17, 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: wood, metal, used vehicle parts,  
12 household trash, tires, plastic and miscellaneous 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 May 29, 2009 as instrument number 2009-0272140.

17 7. On March 6, 2009, a Notice of Violation was posted on THE PROPERTY. On  
18 March 10, 2009, a Notice of Violation was mailed to OWNER by certified mail, return receipt  
19 requested. On June 10, 2009, a Notice of Violation was mailed by certified mail return receipt  
20 requested to OWNER and INTERESTED PARTIES.

21 8. On March 15, 2010, a "Notice to Correct County Ordinance Violations and Abate  
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 18,  
23 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED  
24 PARTIES and was posted on THE PROPERTY on March 16, 2010.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on May 18, 2010, finds and concludes that:

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

1 South East of 56498 Benton Way, Anza, Riverside County, California, also identified as Assessor's  
2 Parcel Number 573-260-012 violates Riverside County Ordinance No. 541 and constitutes a public  
3 nuisance.

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

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be  
15 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing  
16 and disposing of all rubbish from the subject real property in strict accordance with all Riverside  
17 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
18 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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

7  
8 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

9  
10 By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14  
15  
16 By

17 Deputy

18  
19 (SEAL)

FORM APPROVED COUNTY COUNSEL

BY: Alexandra Fong 5/20/10 DATE