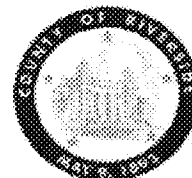


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

310B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-06615 (BENITEZ)
Subject Property: 19072 Consul Avenue, Corona
APN 277-044-073
District Two

SUBMITTAL DATE:
June 17, 2010

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06615 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 09-06615; 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 09-06615.

BACKGROUND:

On June 8, 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

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: *Tina Grande*
County Executive Office Signature
Tina Grande

Dept's Recomm.: Policy Policy
Consent Consent Consent

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 09-06615
[ACCUMULATION OF RUBBISH]; APN 277-)
12 044-073, 19072 CONSUL AVENUE, CORONA,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; TOMAS) CONCLUSIONS AND ORDER TO
13 BENITEZ, OWNER.) ABATE NUISANCE
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
15) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 8, 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 19072 Consul Avenue, Corona, Riverside County, and further described as Assessor's
20 Parcel Number 277-044-073 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. Robert Mabee appeared and addressed 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.

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 Tomas Benitez ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Countrywide Home Loans, Inc., Recon Trust Company, Cal-West
6 Reconveyance Corp. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 3,
8 2009, October 16, 2009, December 9, 2009, January 21, 2010, April 13, 2010 and June 3, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: litter, furniture, wood, household
11 items, tile and other miscellaneous items.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on November 20, 2009, as instrument number 2009-
16 0602466.

17 7. On September 3, 2009, a Notice of Violation was posted on THE PROPERTY. On
18 September 16, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNER and to INTERESTED PARTIES on December 15, 2009.

20 8. On April 12, 2010, a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 8,
22 2010 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
23 PARTIES and was posted on THE PROPERTY on April 13, 2010.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on June 8, 2010, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 19072 Consul
28 Avenue, Corona, Riverside County, California, also identified as Assessor's Parcel Number 277-044-

1 073 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

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

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

22 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
23 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
24 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
25 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
26 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
27 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
28 collection and administrative costs, attorneys fees, and the costs associated with the removal or

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By

14 Deputy

15
16 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 6/15/10