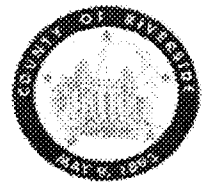


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

309B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-05054 (WALLACE)
Subject Property: 52043 Riza Avenue, Cabazon
APN 528-142-004
District Five

SUBMITTAL DATE:
June 17, 2010

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05054 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 09-05054; 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 09-05054.

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*
Tina Grande

County Executive Office Signature

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

Consent Policy

Consent Policy

Prev. Agn. Ref.: 06/08/10; 9.5 | 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:
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 09-05054
[ACCUMULATION OF RUBBISH]; APN 528-)
12 142-004, 52043 RIZA AVENUE, CABAZON,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; OPHELIA) CONCLUSIONS AND ORDER TO
13 M. WALLACE AND ROY G. WALLACE,) ABATE NUISANCE
TRUSTEES OF THE OPHELIA M. WALLACE)
14 AND ROY G. WALLACE REVOCABLE TRUST) [R.C.O. Nos. 541 (RCC Chapter 8.120)
DATED DECEMBER 24, 1998, OWNERS.) and 725 (RCC Title 1)]
15

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 52043 Riza Avenue, Cabazon, Riverside County, and further described as Assessor's
20 Parcel Number 528-142-004 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 Owners 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
3 OWNERS of THE PROPERTY as Ophelia M. Wallace and Roy G. Wallace, Trustees of the Ophelia
4 M. Wallace and Roy G. Wallace Revocable Trust Dated December 24, 1998 ("OWNERS").

5 2. Documents of title indicate that no other parties potentially hold a legal interest in
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 14,
8 2009, December 2, 2009, January 16, 2010, April 10, 2010, and June 4, 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: green waste, trash and debris.

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

13 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
14 County of Riverside, State of California on October 6, 2009, as instrument number 2009-0518213.

15 7. On September 14, 2008, Notices of Violation were posted on THE PROPERTY. On
16 October 22, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
17 OWNERS.

18 8. On April 8, 2010, a "Notice to Correct County Ordinance Violations and Abate Public
19 Nuisance" providing notice of the public hearing before the Board of Supervisors on June 8, 2010
20 was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE
21 PROPERTY on April 10, 2010.

22 **FINDINGS AND CONCLUSIONS**

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

25 1. WHEREAS, the accumulation of rubbish on the real property located at 52043 Riza
26 Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-142-
27 004 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 ///

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
Marion Ashley
Chairman, Board of Supervisors

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12
13 By

14 Deputy

15 (SEAL)
16
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FORM APPROVED COUNTY COUNSEL
BY:  DATE 6/15/10
ALEXANDRA FONG