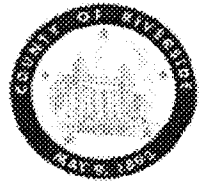


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

418B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 30, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 09-04927 & CV 09-06523 (SANDOVAL)
Subject Property: 23371 Gertrude Avenue, Perris
APN: 342-093-010
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-04927 & CV 09-06523 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 Nos. CV 09-04927 & CV 09-06523; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-04927 & CV 09-06523.

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.:

Policy
 Consent
 Policy
 Consent

Prev. Agn. Ref.: 06/15/10; 9.3 | District: 5 | Agenda Number:

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case Nos.: CV 09-04927 & CV 09-06523

Subject Property: 23371 Gertrude Avenue, Perris

District Five

BACKGROUND:

On June 15, 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 excess outside storage and accumulation of rubbish 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.

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)

4
5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-04927 &
14 [EXCESSIVE OUTSIDE STORAGE AND) CV 09-06523
15 ACCUMULATION OF RUBBISH];)
16 APN 342-093-010, 23371 GERTRUDE AVENUE,) FINDINGS OF FACT,
17 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
18 MIGUEL SANDOVAL AND LETICIA) ABATE NUISANCE
19 SANDOVAL, OWNERS.)
20) [R.C.O. Nos. 348 (RCC Chapter 17.44),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on June 15, 2010, before the Board
24 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
25 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
26 described as 23371 Gertrude Avenue, Perris, Riverside County, California and further described as
27 Assessor's Parcel Number 342-093-010 and referred to hereinafter as "THE PROPERTY."

28 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owners did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners of
4 THE PROPERTY as Miguel Sandoval and Leticia Sandoval ("OWNERS").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: Capital One Bank, Beneficial California, Inc., State of California Franchise
7 Tax Board and Tap Trang ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 31, 2009,
9 December 10, 2009, January 27, 2010, February 24, 2010, April 22, 2010, April 29, 2010 and June
10 11, 2010.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: rocks, brick, fencing, window panes, furniture, appliances, scrap wood, green
14 waste, wood, blocks, flooring, a table saw and stove and household trash. The officer measured the
15 amount of accumulated rubbish and excess outside storage of materials as approximately twenty
16 thousand eight hundred (20,800) square feet. Given the size of the parcel (2.39 acres) and the zoning
17 classification (R-R, Rural Residential), two hundred (200) square feet of outside storage and no
18 amount of rubbish is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on January 21, 2010, as Document Number
22 2010-0025171 in the Office of the County Recorder, County of Riverside.

23 7. On August 31, 2009, Notices of Violation for violation of Riverside County Ordinance
24 Nos. 348 and 541 were posted on THE PROPERTY. On September 29, 2009 and January 7, 2010,
25 Notice of Violations were mailed to OWNERS and on September 29, 2009 were mailed to
26 INTERESTED PARTIES by certified mail, return receipt requested.

27 8. On April 28, 2010, the "Notice To Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

1 for June 15, 2010, was mailed by certified mail, return receipt requested, to OWNERS and
2 INTERESTED PARTIES and was posted on THE PROPERTY on April 29, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on June 15, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 23371 Gertrude Avenue, Perris, Riverside County, California, also
8 identified as Assessor's Parcel Number 342-093-010 violates Riverside County Ordinance Nos. 348
9 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
10 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials
11 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
12 amount of rubbish is allowed to be accumulated on THE PROPERTY.

13 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
14 of the premises should abate the condition by removal of all outside storage of materials in excess of
15 two hundred (200) square feet and removing and disposing of all accumulated rubbish from the
16 subject real property in strict accordance with all Riverside County Ordinances, including but not
17 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)
18 within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Miguel
26 Sandoval and Leticia Sandoval, or anyone having possession or control of THE PROPERTY, by
27 removing all of the outside storage of materials in excess of two hundred (200) square feet and
28 removing and disposing of all accumulated rubbish from the subject real property in strict accordance

1 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
2 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this
3 Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
5 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
7 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
8 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
9 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
10 consent or a Court Order when necessary under applicable law.

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
15 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
16 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
17 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
18 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
19 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong* *6/2/10*
L. ALEXANDRA FONG DATE