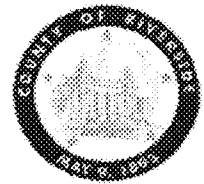


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

493



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 30, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-10075 (TOWNSEND)
Subject Property: 1 Parcel South of 21857 Old Elsinore Road, Perris
APN 322-140-005
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-10075 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 09-10075; 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 09-10075.

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 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.: Consent Policy
 Per Exec. Ofc.: Consent Policy

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 09-10075
[ACCUMULATION OF RUBBISH]; APN 322-)
12 140-005, ONE PARCEL SOUTH OF 21857 OLD) FINDINGS OF FACT,
ELSinORE ROAD, PERRIS, RIVERSIDE) CONCLUSIONS AND ORDER TO
13 COUNTY, CALIFORNIA; A. BRIAN) ABATE NUISANCE
TOWNSEND, 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 June 15, 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 of 21857 Old Elsinore Road, Perris, Riverside County, and further
20 described as Assessor's Parcel Number 322-140-005 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 A. Brian Townsend ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Mary R. Townsend ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 28,
7 2009, November 18, 2009, February 17, 2010, April 29, 2010 and June 11, 2010.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: green waste, concrete, boats, tires
10 and general 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 19, 2009 as instrument number 2009-0538480.

15 7. On November 18, 2009, a Notice of Violation was posted on THE PROPERTY. On
16 November 23, 2009 and January 5, 2010, Notices of Violation were mailed by certified mail, return
17 receipt requested to OWNER. On January 5, 2010, a Notice of Violation was mailed by certified
18 mail, return receipt requested to INTERESTED PARTY.

19 8. On April 29, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 15,
21 2010 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
22 PARTY and was posted on THE PROPERTY on April 29, 2010.

23 **FINDINGS AND CONCLUSIONS**

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

26 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
27 South of 21857 Old Elsinore Road, Perris, Riverside County, California, also identified as Assessor's
28 Parcel Number 322-140-005 violates Riverside County Ordinance No. 541 and constitutes a public

1 nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

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

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

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
Marion Ashley
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13
14 By

15 Deputy

16
17 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong* 6/21/10
L. ALEXANDRA FONG DATE