

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

106 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Sept 1, 2010

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-12072 (DAVILA)
Subject Property: 52127 Acorn Lane, Idyllwild; APN: 559-272-002
District: 3

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12072 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 09-12072; 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 09-12072.

(Continued)

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

- | | |
|---|---|
| Dept Recomm.:
<input checked="" type="checkbox"/> Consent
<input type="checkbox"/> Policy | Per Exec. Ofc.:
<input checked="" type="checkbox"/> Consent
<input type="checkbox"/> Policy |
|---|---|

Abatement of Public Nuisance
Case No. CV 09-12072; DAVILA
52127 Acorn Lane, Idyllwild
Page 2

BACKGROUND:

On August 10, 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 accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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 09-12072
[ACCUMULATION OF RUBBISH]; APN 559-)
12 272-002, 52127 ACORN LANE, IDYLLWILD,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; JANET L.) CONCLUSIONS AND ORDER TO
13 DAVILA, OWNER.) ABATE NUISANCE
)
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 August 10, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 52127 Acorn Lane, Idyllwild, Riverside County, and further described as
20 Assessor's Parcel Number 559-272-002 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 Janet L. Davila ("OWNER").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 16,
8 2009, December 17, 2009, February 4, 2010, March 3, 2010, April 19, 2010, July 1, 2010 and
9 August 5, 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: black plastic garbage bags filled with
12 green waste, clothing, scattered debris and tree branches.

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 March 16, 2010 as instrument number 2010-0120738.

17 7. On November 16, 2009, a Notice of Violation was posted on THE PROPERTY. On
18 November 18, 2009 and March 10, 2010, Notices of Violation were mailed by certified mail, return
19 receipt requested to OWNER. On March 10, 2010, a Notice of Violation was mailed by certified mail
20 return receipt requested to INTERESTED PARTIES.

21 8. On June 30, 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 August
23 10, 2010 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
24 PARTIES and was posted on THE PROPERTY on July 1, 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 August 10, 2010 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 52127 Acorn

1 Lane, Idyllwild, Riverside County, California, also identified as Assessor's Parcel Number 559-272-
2 002 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

12 ORDER TO ABATE NUISANCE

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

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

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

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

6
7 Dated: _____

COUNTY OF RIVERSIDE

8
9 By _____
Marion Ashley
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13
14
15 By

16 Deputy

17
18 (SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: ~~ALEXANDRA FONG~~ 5/24/10 DATE