

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

105B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
Sept 1, 2010


**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 09-00931 (CORTES)  
Subject Property: 20131 Walnut Street, Perris; APN: 349-050-053  
District: 5

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-00931 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 09-00931; 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 09-00931.

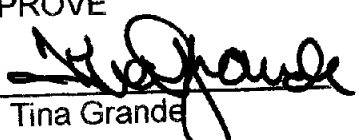
Departmental Concurrence

(Continued)

  
\_\_\_\_\_  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

- |   |                                 |
|---|---------------------------------|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |

Dept's Recomm.:  
Per Exec. Ofc.:

Order to Abate  
Case No. CV 09-00931; CORTES  
20131 Walnut Street, Perris  
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 excess outside storage and 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 to 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 09-00931  
[EXCESSIVE OUTSIDE STORAGE AND )  
12 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
APN 349-050-053, 20131 WALNUT STREET, ) CONCLUSIONS AND ORDER TO  
13 PERRIS, RIVERSIDE COUNTY, CALIFORNIA; ) ABATE NUISANCE  
MIGUEL A. CORTES, OWNER. )  
14 ) [R.C.O. Nos. 348 (RCC Chapter 17.16),  
541 (RCC Chapter 8.120) and 725  
15 ) (RCC Title 1)]  
16

17 The above-captioned matter came on regularly for hearing on August 10, 2010, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 20131 Walnut Street, Perris, Riverside County, California and further described  
21 as Assessor's Parcel Number 349-050-053 and referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside  
28 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 owner of  
4 THE PROPERTY as Miguel A. Cortes ("OWNER").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: WCM Financial Services, Fidelity National Title Company, Centex Home  
7 Equity Company, LLC and TMS Mortgage, Inc., dba The Money Store ("INTERESTED  
8 PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 5, 2009,  
10 February 22, 2010, April 22, 2010, June 18, 2010 and August 9, 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: scrap wood, green waste, concrete blocks, wood and metal. The officer  
14 measured the accumulated rubbish and excess outside storage of materials and determined it was  
15 approximately one thousand six hundred eighty (1,680) square feet. Given the size of the parcel (0.82  
16 acres) and the zoning classification (R-R, Rural Residential), one hundred (100) square feet of outside  
17 storage of materials and no amount of rubbish is allowed on THE PROPERTY.

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

20 6. A Notice of Noncompliance was recorded on January 21, 2010 as Document Number  
21 2010-0025168 in the Office of the County Recorder, County of Riverside.

22 7. On October 5, 2009, Notices of Violation for violation of Riverside County Ordinance  
23 Nos. 348 and 541 were posted on THE PROPERTY. On January 5, 2010 and March 4, 2010,  
24 Notices of Violations were mailed to OWNER and INTERESTED PARTIES by certified mail, return  
25 receipt requested.

26 8. On June 17, 2010, the "Notice To Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for August 10, 2010, was mailed by certified mail, return receipt requested, to OWNER and

1 INTERESTED PARTIES and was posted on THE PROPERTY on June 18, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on August 10, 2010 finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at 20131 Walnut Street, Perris, Riverside County, California, also identified  
7 as Assessor's Parcel Number 349-050-053 violates Riverside County Ordinance Nos. 348 (RCC  
8 Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside  
9 County Ordinance No. 348, one hundred (100) square feet of outside storage of materials is allowed  
10 to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of  
11 rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
13 the premises shall abate the condition by removal of all outside storage of materials in excess of one  
14 hundred (100) square feet and removing and disposing of all accumulated rubbish from the subject  
15 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
16 Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within  
17 ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Miguel A.  
25 Cortes, or anyone having possession or control of THE PROPERTY, by removing all of the outside  
26 storage of materials in excess of one hundred (100) square feet and removing and disposing of all  
27 accumulated rubbish from the subject real property in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)

1 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
17 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: ALSHLEY 5/24/10 / DATE  
L. ALEXANDRA FONG