

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

104B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Sept 1, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-01036 (BLANCO)
Subject Property: 27290 Irma Street, Perris; APN: 349-121-002
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01036 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 09-01036; 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 09-01036.

Departmental Concurrence

(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

- Policy
- Policy
- Consent
- Consent

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

Order to Abate
Case No. CV 09-01036; BLANCO
27290 Irma Street, Perris
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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)

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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

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-01036
[EXCESSIVE OUTSIDE STORAGE AND)
12 ACCUMULATION OF RUBBISH];)
APN 349-121-002, 27290 IRMA STREET,)
13 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
ADOLFO BLANCO AND M. ELICENA) CONCLUSIONS AND ORDER TO
14 BLANCO, OWNERS.) ABATE NUISANCE
) [R.C.O. Nos. 348 (RCC Chapter 17.16),
) 541 (RCC Chapter 8.120) and 725
) (RCC Title 1)]
15)
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 27290 Irma Street, Perris, Riverside County, California and further described as
21 Assessor's Parcel Number 349-121-002 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 Owners appeared but did not address the Board of Supervisors.

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 owners of
4 THE PROPERTY as Adolfo Blanco and M. Elicena Blanco ("OWNERS").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: Wells Fargo Financial California, Inc., NDEX West, LLC, US Recordings,
7 Inc., Capital One Home Loans, Inc., and MERS ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 16, 2009,
9 February 2, 2010, April 22, 2010, June 18, 2010 and August 5, 2010.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: wood, metal, appliances, scrap wood and roofing tile. The officer measured the
13 accumulated rubbish and excess outside storage of materials and determined it was approximately
14 three thousand six hundred (3,600) square feet. Given the size of the parcel (0.9 acres) and the
15 zoning classification (R-R, Rural Residential), one hundred (100) square feet of outside storage of
16 materials and no amount of rubbish is allowed on THE PROPERTY.

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

19 6. A Notice of Noncompliance was recorded on March 5, 2010, as Document Number
20 2010-0102924 in the Office of the County Recorder, County of Riverside.

21 7. On October 16, 2009, Notices of Violation for violation of Riverside County
22 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On December 1, 2009, Notice of
23 Violations was mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt
24 requested.

25 8. On June 17, 2010, the "Notice To Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
27 for August 10, 2010, was mailed by certified mail, return receipt requested, to OWNERS and
28 INTERESTED PARTIES and was posted on THE PROPERTY on June 18, 2010.

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FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at 27290 Irma Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 349-121-002 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County Ordinance No. 348, one hundred (100) square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Adolfo Blanco and M. Elicena Blanco, or anyone having possession or control of THE PROPERTY, by removing all of the outside storage of materials in excess of one hundred (100) square feet and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order

1 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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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* / 8/29/10 DATE
L. ALEXANDRA FONG