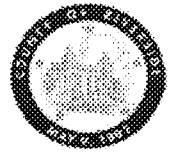


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



201 B

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

**SUBMITTAL DATE:**  
September 16, 2010

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 09-03435 (LOPEZ)  
Subject Property: 1 Parcel West of 22237 Lukens Lane, Perris  
APN: 323-090-012; District: 5

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-03435 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 09-03435; 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 09-03435.

*[Handwritten Signature]*

(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: *[Handwritten Signature]*  
Tina Grande

**County Executive Office Signature**

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

Dept't Recomm.:  
Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No. CV 09-03435; LOPEZ  
1 Parcel West of 22237 Lukens Lane, Perris  
Page 2

**BACKGROUND:**

On August 31, 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 09-03435  
[ACCUMULATION OF RUBBISH]; APN 323- )  
12 090-012, ONE PARCEL WEST OF 22237 ) FINDINGS OF FACT,  
LUKENS LANE, PERRIS, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
13 COUNTY, CALIFORNIA; IRINEO LOPEZ, ) ABATE NUISANCE  
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 August 31, 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 One Parcel West of 22237 Lukens Lane, Perris, Riverside County, and further  
20 described as Assessor's Parcel Number 323-090-012 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 Irineo Lopez ("OWNER").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in  
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 7, 2009,  
7 August 12, 2009, October 26, 2009, December 1, 2009, January 20, 2010, March 29, 2010, May 13,  
8 2010 and August 27, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood, construction debris,  
11 bicycle parts, fencing, paper and other miscellaneous items.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
13 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
15 County of Riverside, State of California on June 5, 2009 as instrument number 2009-0287304.

16 7. On May 7, 2009, a Notice of Violation was posted on THE PROPERTY. On May  
17 27, 2009 and February 16, 2010, a Notice of Violation was mailed by certified mail, return receipt  
18 requested to OWNER.

19 8. On May 11, 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 August  
21 31, 2010 was mailed by certified mail, return receipt requested, to OWNER and was posted on THE  
22 PROPERTY on May 13, 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 August 31, 2010, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel  
27 West of 22237 Lukens Lane, Perris, Riverside County, California, also identified as Assessor's Parcel  
28 Number 323-090-012 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

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

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of 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:                      9/9/10  
L. ALEXANDRA FONG DATE