

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

116B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: C10-07232 (MARLAND COMPANY)
Subject Property: 16505 Calle Lima, Perris; APN: 287-220-001
District: 1

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-07232 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 10-07232; 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 10-07232.

L. Alexandra Fong

(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:

Jennifer L. Sargent

County Executive Office Signature

Jennifer L. Sargent

Policy

Policy

Consent

Consent

Dept Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 9.1

District: /

Agenda Number:

2.10

Abatement of Public Nuisance
Case No. 10-07232 (MARLAND COMPANY)
16505 Calle Lima, Perris
Page 2

BACKGROUND:

On November 30, 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, Suite 500 (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 10-07232
[ACCUMULATION OF RUBBISH]; APN 287-)
12 220-001, 16505 CALLE LIMA, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 MARLAND COMPANY, 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 November 30, 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 16505 Calle Lima, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 287-220-001 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 Oliver Santos appeared on behalf of Marland Company, OWNER, and addressed the Board of
24 Supervisors.

25 The Board of Supervisors received the Declaration of Code Enforcement Officer together
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
28 Chapter 8.120.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Marland Company ("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 August 25, 2010,
7 August 26, 2010, September 15, 2010, November 17, 2010 and November 29, 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: household trash, scrap wood,
10 mattresses, rugs, carpet padding, plastic buckets, discarded furniture, car seat, fender, plastic truck
11 liner and asphalt.

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 September 17, 2010 as instrument number 2010-0447168.

16 7. On August 26, 2010 and September 15, 2010, Notices of Violation were posted on
17 THE PROPERTY. On September 14, 2010, a Notice of Violation was mailed by certified mail,
18 return receipt requested to OWNERS. On September 14, 2010, a Notice of Violation was mailed by
19 certified mail return receipt requested to OWNERS and INTERESTED PARTIES.

20 8. On November 16, 2010, a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
22 November 30, 2010 was mailed by certified mail, return receipt requested, to the OWNERS and
23 INTERESTED PARTIES and posted on THE PROPERTY on November 17, 2010.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on November 30, 2010, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 16505 Calle
28 Lima, Perris, Riverside County, California, also identified as Assessor's Parcel Number 287-220-001

1 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2 2. WHEREAS, THE OWNER, or any person having possession or control of the
3 premises shall abate the condition by removing and disposing all accumulated rubbish from the subject
4 real property in strict accordance with all Riverside County Ordinances, including but not limited to
5 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days.

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

10 **ORDER TO ABATE NUISANCE**

11 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
12 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
13 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
14 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
15 8.120) within ten (10) days of the date of this Order to Abate Nuisance.

16 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
17 accordance with all Riverside County Ordinances, including but not limited to Riverside County
18 Ordinance No. 541, within ten (10) days of the date of this Order to Abate Nuisance, the rubbish shall
19 be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor
20 or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry
21 onto THE PROPERTY when necessary under applicable law.

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

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
3 compliance within ten (10) days of the date of this Order to Abate Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By

14 Deputy

15
16 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 12/15/10
DATE