

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

403B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 21, 2011

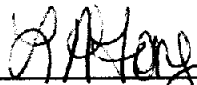
SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV10-02057 [BENSON]
Subject Property: 21510 Eucalyptus Ave., Perris; APN: 325-060-002
District: Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02057 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 10-02057; 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 10-02057.

(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

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

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-02057 [BENSON]
21510 Eucalyptus Ave., Perris
District Five
Page 2

BACKGROUND:

On March 1, 2011, 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 GC6103 & 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02057
[ACCUMULATION OF RUBBISH]; APN 325-)
12 060-002, 21510 EUCALYPTUS AVE., PERRIS,) FINDINGS OF FACT,
COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; HARRY C. BENSON, 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 March 1, 2011, 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 21510 Eucalyptus Ave., Perris, Riverside County, and further described as
20 Assessor's Parcel Number 325-060-002 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 and did not address the Board of Supervisors.

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 Harry C. Benson ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 21, 2010,
7 June 4, 2010, July 7, 2010, August 13, 2010, August 30, 2010, September 30, 2010, November 18,
8 2010, February 10, 2011 and February 25, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: household rubbish items, tires, spent
11 building materials, green waste, automotive batteries, clothings 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 July 16, 2010, as instrument number 2010-0333167.

16 7. On April 21, 2010, a Notice of Violation was posted on THE PROPERTY. On April
17 28, 2010 and October 20, 2010, Notices of Violation were mailed by certified mail, return receipt
18 requested to OWNER.

19 8. On February 9, 2011, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March 1,
21 2011, was mailed by certified mail, return receipt requested, to the OWNER and posted on THE
22 PROPERTY on February 10, 2011.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on March 1, 2011, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 21510
27 Eucalyptus Ave., Perris, Riverside County, California, also identified as Assessor's Parcel Number
28 325-060-002 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By _____
13 Deputy

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15 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong DATE: 4/19/11
L. ALEXANDRA FONG