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





FROM: County Counsel/TLMA

Code Enforcement Department

SUBMITTAL DATE: April 21, 2011

Departmental Concurrence

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:

- 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
- The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, 3. Conclusions and Order to Abate in Case No. CV 10-02057.

LAMI.

(Continued)		_ 77 A 7 GN		
		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
				Requires 4/5 Vote
C.E.O. RECOMMENDATION:		APPROVE	\sim	
County Exe	cutive Office Signature	BY: Tina Gra	astrande	-

Per Exec. Ofc.:

Policy

Consent

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Policy

Prev. Agn. Ref.: 3/1/11; 9.3

District: 5

Agenda Number:

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.

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1 2	RECORDING REQUESTED BY: Kecia Harper-Ihem, Clerk of the Board of Supervisors				
3	(Stop #1010)				
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				
8					
9	BOARD OF SUPERVISORS COUNTY OF RIVERSIDE				
11	IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02057				
12	[ACCUMULATION OF RUBBISH]; APN 325-) 060-002, 21510 EUCALYPTUS AVE., PERRIS,) FINDINGS OF FACT, COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO				
13	COUNTY OF RIVERSIDE, STATE OF CONCLUSIONS AND ORDER TO ABATE NUISANCE				
14	(R.C.O. Nos. 541 (RCC Chapter 8.120) and 725 (RCC Title 1)]				
15) and 725 (Rece Title 1)]				
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					

SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Office identify the OWNER of THE PROPERTY as Harry C. Benson ("OWNER").
- 2. Documents of title indicate that no other party may potentially hold a legal interest in THE PROPERTY.
- THE PROPERTY was inspected by Code Enforcement Officers on April 21, 2010,
 June 4, 2010, July 7, 2010, August 13, 2010, August 30, 2010, September 30, 2010, November 18,
 2010, February 10, 2011 and February 25, 2011.
- 4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: household rubbish items, tires, spent building materials, green waste, automotive batteries, clothings and other miscellaneous items.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.
- 6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on July 16, 2010, as instrument number 2010-0333167.
- 7. On April 21, 2010, a Notice of Violation was posted on THE PROPERTY. On April 28, 2010 and October 20, 2010, Notices of Violation were mailed by certified mail, return receipt requested to OWNER.
- 8. On February 9, 2011, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March 1, 2011, was mailed by certified mail, return receipt requested, to the OWNER and posted on THE PROPERTY on February 10, 2011.

FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the accumulation of rubbish on the real property located at 21510 Eucalyptus Ave., Perris, Riverside County, California, also identified as Assessor's Parcel Number 325-060-002 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 the 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 may 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

Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE