

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

132 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 16 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-00837 [BONNER]
Subject Property: 21691 Orange Ave., Perris; APN: 318-270-038
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-00837 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 09-00837; 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 09-00837.

Departmental Concurrence

(Continued)

L. Alexandra Fong

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*
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.: CV 09-00837 [BONNER]
21691 Orange Ave., Perris
APN# 318-270-038
District Five
Page 2

BACKGROUND:

On May 3, 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 GC §§ 6103 and 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-00837
[ACCUMULATION OF RUBBISH]; APN 318-)
12 270-038, 21691 ORANGE AVE., PERRIS,) FINDINGS OF FACT,
COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; ETTA BONNER, OWNER.) ABATE NUISANCE
)
14 _____) [R.C.O. Nos. 541 (RCC Title 8) and
725 (RCC Title 1)]
15

16 The above-captioned matter came on regularly for hearing on May 3, 2011, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 21691 Orange Ave., Perris, Riverside County, and further described as Assessor's
20 Parcel Number 318-270-038 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 No one appeared on behalf of Owner.

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
27 Code Chapter 8.120.

28 \\\

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Etta Bonner ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Saleh Hasbun Boostz, Inc., Scott Saltzman, Eleanor Sturman, Joyce Enderle,
6 Carlton Robinson, Maria Palavranoff, David Cassit, Elana Cassit, Trustees of the Cassit Family Trust
7 Revocable Living Trust dated March 26, 2002, Tova Redbourn, Alan Redbourn, Gloria Berlin,
8 Trustee of the Morton William Berlin, Sr. Revocable Living Trust dated February 14, 2002, Ezra
9 Cohen-Sitt, Mariam Cohen-Sitt, Trustees of the Ezra and Miriam Cohen-Sitt Trust Dated April 16,
10 2004, Mitchell Light, Margaret Light ("INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on February 4, 2009,
12 December 7, 2009, April 28, 2010, May 26, 2010, July 19, 2010, December 21, 2010, April 4, 2011,
13 April 29, 2011 and May 2, 2011.

14 4. During each inspection, an accumulation of rubbish was observed on THE
15 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood and household items.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 No. 541 (RCC Title 8) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
19 County of Riverside, State of California on December 16, 2009, as Instrument Number 2009-
20 0647363.

21 7. On February 4, 2009 and April 27, 2010, Notices of Violation were posted on THE
22 PROPERTY. On April 28, 2010 and September 1, 2010, Notices of Violation were mailed by
23 certified mail, return receipt requested to OWNER.

24 8. On April 6, 2011, a "Notice to Correct County Ordinance Violations and Abate Public
25 Nuisance" providing notice of the public hearing before the Board of Supervisors on April 26, 2011,
26 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED PARTIES
27 and posted on THE PROPERTY on April 7, 2011.

28 9. On April 18, 2011, an "Amended Notice to Correct County Ordinance Violations and

1 Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
2 May 3, 2011, was mailed by certified mail, return receipt requested, to the OWNER and
3 INTERESTED PARTIES and posted on THE PROPERTY on April 20, 2011.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on May 3, 2011, finds and concludes that:

7 1. WHEREAS, the accumulation of rubbish on the real property located at 21691
8 Orange Ave., Perris, Riverside County, California, also identified as Assessor's Parcel Number 318-
9 270-038 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

10 2. WHEREAS, the OWNER, or any person having possession or control of the premises
11 shall abate the condition by removing and disposing all accumulated rubbish from the subject real
12 property in strict accordance with all Riverside County Ordinances, including but not limited to
13 Riverside County Ordinance No. 541 (RCC Title 8) within ninety (90) days.

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

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
21 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
22 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
23 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Title 8)
24 within ninety (90) days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
26 accordance with all Riverside County Ordinances, including but not limited to Riverside County
27 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
28 may be abated and disposed of by representatives of the Riverside County Code Enforcement, a

1 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
2 authorizing entry onto THE PROPERTY when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or
10 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
11 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
12 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

13
14 Dated: _____

COUNTY OF RIVERSIDE

15
16 By _____
17 Bob Buster
18 Chairman, Board of Supervisors

19 ATTEST:

20 KECIA HARPER-IHEM

21 Clerk to the Board

22 By

23 Deputy

24 (SEAL)

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26
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