

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

605B



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

**SUBMITTAL DATE:**  
October 20, 2011

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 10-07965 [CLICK]  
Subject Property: 17175 Palomas Drive, Perris; APN: 287-343-005  
District: One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-07965 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 10-07965; 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 10-07965.

(Continued)

  
PATRICIA MUNROE, 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:   
Michael R. Shetler

**County Executive Office Signature**

- Consent
- Policy
- Consent
- Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
Departmental Concurrence

Abatement of Public Nuisance  
Case No.: CV 10-07965 [KLICK]  
17175 Palomas Drive, Perris  
APN#287-343-005  
District One  
Page 2

**BACKGROUND:**

On October 4, 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:  
Patricia Munroe, 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**  
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11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-07965  
[ACCUMULATION OF RUBBISH]; APN 287- )  
12 343-005, 17175 PALOMAS DRIVE, PERRIS, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; LOTTE ) CONCLUSIONS AND ORDER TO  
13 H. KLICK AND ROLAND A. KLICK, OWNERS. ) ABATE NUISANCE  
)  
14 ) R.C.O. Nos. 541 and 725  
)  
15

16 The above-captioned matter came on regularly for hearing on October 4, 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 17175 Palomas Drive, Perris, Riverside County, and further described as  
20 Assessor's Parcel Number 287-343-005 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners did not appear.

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

27 **SUMMARY OF EVIDENCE**

28 1. Documents of record in the Riverside County Recorder's Office identify the

1 OWNERS of THE PROPERTY as Lotte H. Klick and Roland A. Klick (“OWNERS”).

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

4 3. THE PROPERTY was inspected by Code Enforcement Officers on January 24, 2011,  
5 March 22, 2011, April 26, 2011 and August 25, 2011.

6 4. During each inspection, an accumulation of rubbish was observed on THE  
7 PROPERTY. The rubbish consisted of, but was not limited to: household trash, debris, tires, and  
8 green waste.

9 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
10 No. 541 by the Code Enforcement Officer.

11 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
12 County of Riverside, State of California on February 9, 2011 as instrument number 2011-0064057.

13 7. On January 24, 2011, Notice of Violation was posted on THE PROPERTY. On  
14 January 25, 2011, Notice of Violation was mailed by certified mail, return receipt requested to  
15 OWNERS.

16 8. On August 25, 2011, a “Notice to Correct County Ordinance Violations and Abate  
17 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on October  
18 4, 2011 was mailed to OWNERS and was posted on THE PROPERTY.

19 **FINDINGS AND CONCLUSIONS**

20 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
21 regular session assembled on October 4, 2011, finds and concludes that:

22 1. WHEREAS, the accumulation of rubbish on the real property located at 17175  
23 Palomas Drive, Perris, Riverside County, California, also identified as Assessor's Parcel Number  
24 287-343-005 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

1 3. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time  
2 within which judicial review of the administrative determinations made herein must be sought is  
3 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To  
4 Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

5 **ORDER TO ABATE NUISANCE**

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

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

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

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought  
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy

(SEAL)