

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

909B



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

**SUBMITTAL DATE:**  
November 10, 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 08-09058 [VERDUGO]  
Subject Property: 18220 Decker Road, Perris; APN: 314-040-002  
District: One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-09058 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 08-09058; 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 08-09058.

Departmental Concurrence

(Continued)

  
\_\_\_\_\_  
PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

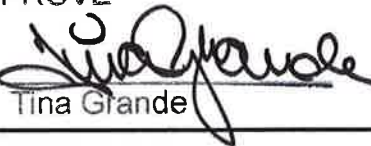
<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<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:

  
Tina Grande

**County Executive Office Signature**

- Consent
- Policy
- Consent
- Policy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
Per Exec. Ofc.:

Order to Abate  
Case No. CV 08-09058 [VERDUGO]  
18220 Decker Road, Perris  
APN# 314-040-002  
District 1  
Page 2

**BACKGROUND:**

On October 25, 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 excess outside storage and 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 to the  
2 Board of Supervisors (Stop #1010)

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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]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

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11	IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NO. CV 08-09058
	[EXCESSIVE OUTSIDE STORAGE AND	)	
12	ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
	APN 314-040-002, 18220 DECKER ROAD,	)	CONCLUSIONS AND ORDER TO
13	PERRIS, RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
	ROBERT M. VERDUGO, TRUSTEE OF THE	)	
14	ROBERT M. VERDUGO LIVING TRUST	)	R.C.O. Nos. 348, 541 and 725
	DATED JULY 2, 1999, OWNER.	)	
15		)	
		)	

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17 The above-captioned matter came on regularly for hearing on October 25, 2011, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 18220 Decker Road, Perris, Riverside County, California and further described  
21 as Assessor’s Parcel Number 314-040-002 and referred to hereinafter as “THE PROPERTY.”

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

24 Owner appeared and addressed the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as  
28 a public nuisance.

**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder’s Office identify the owner of  
3 THE PROPERTY as Robert M. Verdugo, Trustee of the Robert M. Verdugo Living Trust dated July  
4 2, 1999 (“OWNER”).

5           2.       Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Arthur M. Lopez, Arthur M. Lopez and Lucy Lopez, and Arthur Lopez  
7 and Lucy Lopez, Trustees of the VG Trust dated 1983 (hereinafter collectively referred to as  
8 “INTERESTED PARTIES”).

9           3.       THE PROPERTY was inspected by Code Enforcement Officers on October 6, 2009,  
10 December 8, 2009, February 5, 2010, March 8, 2010, April 20, 2010, May 20, 2010, June 29, 2010,  
11 July 29, 2010, October 8, 2010, November 12, 2010, December 30, 2010, February 1, 2011, March  
12 22, 2011, September 29, 2011 and October 21, 2011.

13           4.       During each inspection, the outside storage of materials and accumulation of rubbish  
14 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
15 were not limited to: tires, scrap wood, scrap metal, plastics, discarded building material and  
16 household items such as furniture and appliances, three (3) commercial vehicles and three (3)  
17 trailers. Given the size of the parcel (5 acres) and the zoning classification (R-R, Rural Residential),  
18 two hundred (200) square feet of outside storage is allowed and no amount of rubbish is allowed on  
19 THE PROPERTY.

20           5.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
21 Nos. 348 and 541 by the Code Enforcement Officer.

22           6.       A Notice of Noncompliance was recorded on November 24, 2010 as Document  
23 Number 2010-0566031 in the Office of the County Recorder, County of Riverside.

24           7.       On October 6, 2009, Notices of Violation for violation of Riverside County  
25 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On October 8, 2009, Notice of  
26 Violations was mailed to OWNER and on February 8, 2011 was mailed to INTERESTED PARTIES.

27           8.       A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
28 providing notice of the public hearing before the Board of Supervisors scheduled for October 25,

1 2011, was mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on October 25, 2011 finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at 18220 Decker Road, Perris, Riverside County, California, also identified  
7 as Assessor's Parcel Number 314-040-002 violates Riverside County Ordinance Nos. 348 and 541  
8 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, two hundred (200)  
9 square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under  
10 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE  
11 PROPERTY.

12 2. WHEREAS, the OWNER, occupants or any person having possession or control of  
13 the premises shall abate the condition by removal of all outside storage of materials in excess of two  
14 hundred (200) square feet and removing and disposing of all accumulated rubbish from the subject  
15 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
16 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Robert M.  
25 Verdugo, Trustee of the Robert M. Verdugo Living Trust dated July 2, 1999, or anyone having  
26 possession or control of THE PROPERTY, by removing all of the outside storage of materials in  
27 excess of two hundred (200) square feet and removing and disposing of all accumulated rubbish  
28 from the subject real property in strict accordance with all Riverside County Ordinances, including

1 but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date  
2 of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
4 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
5 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate  
6 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and  
7 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor  
8 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary  
9 under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
13 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
14 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
15 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
16 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
17 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 into  
2 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)