

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

4013



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

**SUBMITTAL DATE:**  
July 25, 2013

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 12-05352 [ABREU]  
Subject Property: Parcel West of 21510 Ethanac, Good Hope; APN:345-020-019  
District: 1/1

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 12-05352 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 12-05352; 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 12-05352.

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**

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

Dept Recomm.:  
Per Exec. Ofc.:

583 717 31 68 2: 17  
COUNTY OF RIVERSIDE  
RECEIVED & APPROVED

Abatement of Public Nuisance  
Case No.: CV 12-05352 [ABREU]  
Parcel West of 21510 Ethanac, Good Hope  
APN#345-020-019  
District 1/1  
Page 2

**BACKGROUND:**

On July 16, 2012, 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**  
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-05352  
[ACCUMULATION OF RUBBISH]; )  
12 APN: 345-020-019, PARCEL WEST OF 21510 ) FINDINGS OF FACT,  
ETHANAC, GOOD HOPE, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
13 COUNTY, CALIFORNIA; JUAN A. ABREU, ) ABATE NUISANCE  
OWNER. )  
14 ) R.C.O. Nos. 541 and 725  
15 )  
16 )

17 The above-captioned matter came on regularly for hearing on July 16, 2013, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described as Parcel West of 21510 Ethanac, Good Hope, Riverside County, and further described as  
21 Assessor's Parcel Number 345-020-019 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER  
3 of THE PROPERTY as Juan A. Abreu (“OWNER”).

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on October 4, 2012,  
7 October 25, 2012, January 22, 2013 and January 29, 2013.

8 4. During each inspection, an accumulation of rubbish was observed on THE  
9 PROPERTY. The rubbish consisted of, but was not limited to: discarded construction material,  
10 discarded lumber and plywood, Styrofoam, toys, tires, green waste and miscellaneous debris.

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

13 6. A Notice of Pendency of Administrative Proceeding was recorded in the Office of the  
14 County Recorder, County of Riverside, State of California on April 2, 2013, as instrument number  
15 2013-0156619.

16 7. On October 4, 2012, Notice of Violation was posted on THE PROPERTY. On  
17 October 11, 2012, Notice of Violation was mailed to OWNER by first class mail.

18 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
19 providing notice of the public hearing before the Board of Supervisors on July 16, 2013, was mailed  
20 to OWNER and was posted on THE PROPERTY.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on July 16, 2013, finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at Parcel West  
25 of 21510 Ethanac, Good Hope, Riverside County, California, also identified as Assessor's Parcel  
26 Number 345-020-019 violates Riverside County Ordinance No. 541 and constitutes a public  
27 nuisance.

28 2. WHEREAS, the OWNER, or any person having possession or control of the premises

1 shall abate the condition by removing and disposing all accumulated rubbish from the subject real  
2 property in strict accordance with all Riverside County Ordinances, including but not limited to  
3 Riverside County Ordinance No. 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
23 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
24 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
25 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
26 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
27 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 \_\_\_\_\_  
John J. Benoit  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy

(SEAL)