

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

307B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 12, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV12-00105 [PLACENCIA/GRANADOS]
Subject Property: 23121 Lopez Street, Perris
APN: 326-150-004
District: 1 [\$0.00]

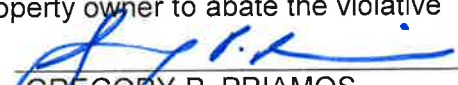
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-00105;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-00105; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-00105.

BACKGROUND:

Summary

On January 27, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive 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 (Continued)


GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 01/27/15; 9.2 | District: 1 | Agenda Number:

2-7

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV12-00105 [PLACENCIA/GRANADOS]
Subject Property: 23121 Lopez Street, Perris
APN: 326-150-004
District: 1 [\$0.00]

DATE: March 12, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-00105
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 326-150-004, 23121 LOPEZ STREET,) CONCLUSIONS AND ORDER TO
17 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
18 RODOLFO PLACENCIA AND ROSALINA)
19 GRANADOS, OWNERS.) R.C.O. Nos. 348, 541 and 725

20 The above-captioned matter came on regularly for hearing on January 27, 2015, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described 23121 Lopez Street, Perris, Riverside County, Assessor's Parcel Number 326-
24 150-004 and referred to hereinafter as "THE PROPERTY."

25 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
26 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

27 Owners did not appear.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Rodolfo Placencia and Rosalina Granados (“OWNERS”).

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 2, 2013,
7 and on seven (7) subsequent inspections, the last being January 22, 2015.

8 4. During each inspection an accumulation of rubbish and excess outside storage was
9 observed throughout THE PROPERTY consisting of but not limited to: tires, scrap wood, household
10 trash, plywood, building materials, and a fiberglass shower enclosure, in excess of 2,500 square feet.

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

13 6. On August 16, 2013, a Notice of Pendency of Administrative Proceedings was
14 recorded at the Riverside County Recorder’s Office as instrument number 2013-0402652.

15 7. On August 2, 2013, a Notice of Violation was posted on THE PROPERTY. On
16 August 13, 2013 and December 2, 2013, a Notice of Violation was mailed to OWNERS by first class
17 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 was mailed to OWNERS and
20 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 January 27, 2015, finds and concludes that:

24 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
25 on the real property located at 23121 Lopez Street, Perris, Riverside County, California, also
26 identified as Assessor's Parcel Number 326-150-004 violates Riverside County Ordinance Nos. 348
27 and 541 and constitutes a public nuisance.

28 2. WHEREAS, the OWNERS, occupants and any other person having possession or

1 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
2 materials by removing and disposing of all rubbish and excessive outside storage on THE
3 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
4 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
11 on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE
12 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
13 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
14 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
15 mailing of this Order to Abate Nuisance.

16 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
17 storage of materials is not removed and disposed of in strict accordance with all Riverside County
18 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
19 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
20 outside storage of materials may be abated and disposed of by representatives of the Riverside
21 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
22 owner's consent or a Court Order when necessary under applicable law.

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from OWNERS even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Marion Ashley
Chairman, Board of Supervisors

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ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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