

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

707B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 5, 2015

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV12-04493 [GREEN AND G & R WEBLEY FAMILY LIMITED PARTNERSHIP]
Subject Property: 22220 Old Elsinore Road, Perris; APN: 323-170-002
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. CV12-04493;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04493; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04493.

BACKGROUND:

Summary

On June 30, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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

(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 type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 06/30/15; 9.4

District: 1

Agenda Number:

2-34

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV12-04493 [GREEN AND G & R WEBLEY FAMILY LIMITED PARTNERSHIP]

Subject Property: 22220 Old Elsinore Road, Perris; APN: 323-170-002

District: 1 [\$0.00]

DATE: August 5, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

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

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-04493
[ACCUMULATION OF RUBBISH];)
12 APN 323-170-002, 22220 OLD ELSINORE) FINDINGS OF FACT,
ROAD, PERRIS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; LENA GREEN AND G & R) ABATE NUISANCE
WEBLEY FAMILY LIMITED PARTNERSHIP,)
14 OWNERS.) R.C.O. Nos. 541 and 725
15 _____)
16)

17 The above-captioned matter came on regularly for hearing on June 30, 2015, 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 22220 Old Elsinore Road, Perris, Riverside County, and further described as Assessor's
21 Parcel Number 323-170-002 referred to hereinafter as "THE PROPERTY."

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

24 Owners 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.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Lena Green and G & R Webley Limited Partnership
4 ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Michael Webley and Michelle Webley (hereinafter referred to as
7 "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 9, 2012,
9 and on twelve (12) subsequent follow up inspections, with the last inspection being June 23, 2015.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: discarded and weathered furniture,
12 carpet, green waste, a Jacuzzi, scrap wood, scrap metal, PVC pipe, clothing, a dog crate and assorted
13 trash and debris.

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

16 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
17 the County Recorder, County of Riverside, State of California on August 20, 2012, as instrument
18 number 2012-0396718.

19 7. On August 9, 2012 a Notice of Violation was posted on THE PROPERTY. On
20 August 14, 2012, a Notice of Violation was mailed to OWNERS by certified mail, return receipt
21 requested. On September 3, 2012 a Notice of Violation was mailed to INTERESTED PARTY
22 Michael R. Webley by first class mail. On May 7, 2015, a Notice of Violation was mailed to
23 INTERESTED PARTY Michelle Webley by first class mail.

24 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
25 providing notice of the public hearing before the Board of Supervisors on June 30, 2015, was mailed
26 to OWNERS and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on June 30, 2015, finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at 22220 Old
3 Elsinore Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number
4 323-170-002 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

9 3. WHEREAS, the OWNERS AND INTERESTED PARTIES ARE FURTHER
10 NOTICED that the time within which judicial review of the administrative determinations made
11 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
12 Conclusions and Order to Abate Nuisance, and is governed by California Code of Civil Procedure
13 Section 1094.6.

14 **ORDER TO ABATE NUISANCE**

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

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

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

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County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy

(SEAL)