

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

901B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 16, 2015

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV12-06320 [CARDINES, CANANEA, FALK, SANDHU]
Subject Property: 1 Parcel West of 21740 Kuder Avenue, Perris; APN: 295-280-068
District: 1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

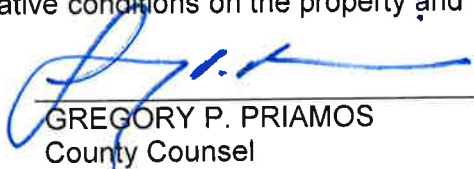
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06320;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06320; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06320.

BACKGROUND:

Summary

On October 6, 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 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

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

Prev. Agn. Ref.: 10/06/15; 9.1

District: 1

Agenda Number:

2-6

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

Case No. CV12-06320 [CARDINES, CANANEA, FALK, SANDHU]

Subject Property: 1 Parcel West of 21740 Kuder Avenue, Perris; APN: 295-280-068

District: 1 [\$0.00]

DATE: November 16, 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:
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 12-06320
14 [ACCUMULATION OF RUBBISH];)
15 APN 295-280-068, 1 PARCEL WEST OF 21740) FINDINGS OF FACT,
16 KUDER AVENUE, PERRIS, RIVERSIDE) CONCLUSIONS AND ORDER TO
17 COUNTY, CALIFORNIA; JAMES N. CARDINES,) ABATE NUISANCE
18 EMELITA CANANEA, MAGDALENA FALK)
19 AND NINA SANDHU, OWNERS.) R.C.O. Nos. 541 and 725

20 The above-captioned matter came on regularly for hearing on October 6, 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 as 1 Parcel West of 21740 Kuder Avenue, Perris, Riverside County, California,
24 and further described as Assessor's Parcel Number 295-280-068 referred to hereinafter as "THE
25 PROPERTY."

26 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
27 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 Owners did not appear.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as James N. Cardines, Emelita Cananea, Magdalena Falk and Nina
4 Sandhu ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Zacarias Cananea, Anita A. Bachini, as Trustee of the A.A. Bachini Trust
7 U/D/T, dated December 5, 1990 and Githa D. Smith (hereinafter referred to as "INTERESTED
8 PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on December 11,
10 2012, and on eleven (11) subsequent inspections, with the last being September 29, 2015.

11 4. During each inspection, an accumulation of rubbish was observed on THE
12 PROPERTY. The rubbish consisted of, but was not limited to: tires, papers, discarded plastic, trash,
13 wood and miscellaneous items, in excess of 4,000 square feet.

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 April 19, 2013 as instrument
18 number 2013-0184705 and on May 21, 2015, as instrument number 2015-0212915.

19 7. On December 11, 2012, a Notice of Violation was posted on THE PROPERTY. On
20 December 12, 2012, a Notice of Violation was mailed to OWNERS and INTERESTED PARTY
21 Zacarias Cananea by regular mail. On August 29, 2013, a Notice of Violation was mailed to
22 OWNERS James N. Cardines, Emelita Cananea, Magdalena Falk and INTERESTED PARTY Anita
23 Bachini 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 was mailed to OWNERS and
26 INTERESTED PARTIES 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 October 6, 2015, finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at 1 Parcel West
3 of 21740 Kuder Avenue, Perris, Riverside County, California, also identified as Assessor's Parcel
4 Number 295-280-068 violates Riverside County Ordinance No. 541 and constitutes a public
5 nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

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

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

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
3 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or
6 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
7 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

9
10 Dated: _____

COUNTY OF RIVERSIDE

11
12 By _____
Marion Ashley
Chairman, Board of Supervisors

13 ATTEST:

14 KECIA HARPER-IHEM

15 Clerk to the Board
16
17

18 By
19 Deputy
20

21 (SEAL)
22
23
24
25
26
27
28

CV12-06320

1 Parcel West of 21740 Kuder Avenue, Perris APN: 295-280-068



Legend

- ☐ RCLIS Parcels
- ☐ TBM Page
- ☐ TBM Grid

Notes

Thomas Bros Page 746
Grid J6

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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