

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

906B



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

**SUBMITTAL DATE:**  
June 9, 2016

**SUBJECT:** Order to Abate [Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV15-01226 [LEDESMA]  
Subject Property: 24431 Juniper Springs Road, Homeland  
APN: 455-040-012  
District: 5 [\$0]

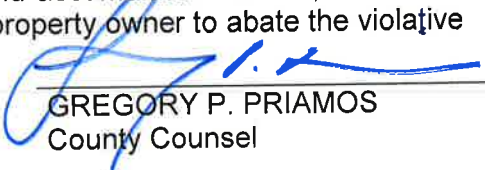
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01226;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01226; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-01226.

**BACKGROUND:**

**Summary**

On May 24, 2016, 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**

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

Prev. Agn. Ref.: 05/24/16; 9.4

District: 5

Agenda Number:

2-13

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. CV15-01226 [LEDESMA]

Subject Property: 24431 Juniper Springs Road, Homeland

APN: 455-040-012

District: 5 [\$0]

**DATE:** June 9, 2016

**PAGE:** 2 of 2

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**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  
(Stop #1010)

4  
5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 15-01226  
12 [EXCESSIVE OUTSIDE STORAGE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 455-040-012, 24431 JUNIPER SPRINGS ) CONCLUSIONS AND ORDER TO  
15 ROAD, HOMELAND, RIVERSIDE COUNTY, ) ABATE NUISANCE  
16 CALIFORNIA; MARCOS LEDESMA AND ADA )  
LEDESMA, OWNERS. ) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on May 24, 2016, 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 24431 Juniper Springs Road, Homeland, Riverside County, Assessor's Parcel Number  
21 455-040-012 and 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 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 ("RCO") Nos. 348 and  
28 541 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 Marcos Ledesma and Ada Ledesma ("OWNERS").

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest  
5 in THE PROPERTY, to wit: Verl L. Childers and Elizabeth M. Childers, Trustors and/or Trustees of  
6 Verl Lee Childers and Elizabeth May Childers Family Trust dated May 20, 1993 (hereinafter referred  
7 to as "INTERESTED PARTY").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 9, 2015 and  
9 on five (5) subsequent follow up inspections, with the last being May 18, 2016.

10 4. During each inspection an accumulation of rubbish and excess outside storage was  
11 observed throughout THE PROPERTY consisting of but not limited to: tires, scrap metal, blocks,  
12 pallets, scrap wood, mobile home stabilizing devices, building materials, mobile home parts,  
13 appliances and other miscellaneous items, of about 10,000 square feet.

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

16 6. On June 25, 2015, a Notice of Pendency of Administrative Proceedings was recorded  
17 at the Riverside County Recorder's Office as instrument number 2015-0272806.

18 7. On April 9, 2015, a Notice of Violation was posted on THE PROPERTY. On April  
19 10, 2015, a Notice of Violation was mailed to OWNERS by first class mail.

20 8. On July 29, 2015, a Notice of Violation was mailed to OWNERS and INTERESTED  
21 PARTY by certified mail, return receipt requested.

22 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
23 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and  
24 INTERESTED PARTY and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on May 24, 2016, finds and concludes that:

28 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish

1 on the real property located at 24431 Juniper Springs Road, Homeland, Riverside County, California,  
2 also identified as Assessor's Parcel Number 455-040-012 violates RCO Nos. 348 and 541 and  
3 constitutes a public nuisance.

4 2. WHEREAS, the OWNERS, occupants and any other person having possession or  
5 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
6 materials by removing and disposing of all excessive outside storage on THE PROPERTY in excess  
7 of two hundred (200) square feet with a maximum height of three (3) feet and all accumulated  
8 rubbish in strict accordance with all Riverside County Ordinances, including but not limited to RCO  
9 Nos. 348 and 541 within ninety (90) days.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials  
17 on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE  
18 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials  
19 PROPERTY in excess of two hundred (200) square feet with a maximum height of three (3) feet on  
20 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not  
21 limited to RCO Nos. 348 and 541, within ninety (90) days of the posting and mailing of this Order to  
22 Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
24 storage of materials are not removed and disposed of in strict accordance with all Riverside County  
25 Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date  
26 of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of  
27 materials may be abated and disposed of by representatives of the Riverside County Code  
28 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's

1 consent or a Court Order when necessary under applicable law.

2           IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.  
5 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses  
6 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
7 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
8 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
9 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNERS

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1 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this  
2 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)