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

1188



January 13, 2010

FROM:

County Counsel/TLMA

Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];

Case No.: CV 08-02165 (AGUIRRE)

Subject Property: 224110Id Elsinore Road, Perris

APN 323-070-025

**District Five** 

**RECOMMENDED MOTION: Move that** 

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02165 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 08-02165; 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 08-02165.

**BACKGROUND:** 

Departmental Concurrence

On December 8, 2009 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 accumulation of 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 the Findings of East, Conclusion and Order to Abate.

	, Conclusion and Order to				
		JULIE JARVI, D	eputy County	Counsel	
		for PAMELA J. W	/ALLS, County	Counsel	
FINIANIONAL	Current F.Y. Total Cost:	\$ N/A	In Current Year	Budget: N	I/A
FINANCIAL	<b>Current F.Y. Net County Cost:</b>	\$ N/A	Budget Adjustm	ent:	N/A
DATA	Annual Net County Cost:	\$ N/A	For Fiscal Year:	1	N/A
SOURCE OF FUNDS:				Positions To Be Deleted Per A-30	1 1 1
				Requires 4/5 Vote	
C.E.O. RECOMM	ENDATION:	APPROVE	۸		
		BY: alex Lo	ann		
County Executiv	e Office Signature	Alex Gann		er e	

Policy Policy

Consent

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X Consent

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Dep't Recomm.: Per Exec. Ofc.:

## MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:

Buster, Tavaglione, Stone, Benoit and Ashley

Nays:

None None

Absent: Date:

January 26, 2010

XC:

Co.Co.(3); Recorder

Prev. Agn. Ref.: 12/08/09Ag.hACHMENDistrible Agend

Agenda Number:

2.20

Deputy

Kecia Harper-Ihem

Clerker the Board

Page 1 of 5 Recorded in Official Records 1 RECORDING REQUESTED BY: County of Riverside Larry W. Ward Kecia Harper-Ihem, Clerk of the Assessor, County Clerk & Recorder 2 Board of Supervisors (Stop #1010) 3 4 **PAGE** SIZE DA MISC LONG RFD COPY 5 WHEN RECORDED PLEASE MAIL TO: EXAM Julie Jarvi, Deputy County Counsel PCOR NCOR 465 SMF NCHG 426 М Α County of Riverside 6 CTY T: UNI OFFICE OF COUNTY COUNSEL 7 3960 Orange Street, Fifth Floor (Stop #1350) Riverside, CA 92501 [EXEMPT'6103] 8 9 **BOARD OF SUPERVISORS** COUNTY OF RIVERSIDE 10 11 IN RE ABATEMENT OF PUBLIC NUISANCE: CASE NO. CV 08-02165 [ACCUMULATION OF RUBBISH]; APN 323-12 070-025, 22411 OLD ELSINORE ROAD. FINDINGS OF FACT, PERRIS, RIVERSIDE COUNTY, CALIFORNIA: CONCLUSIONS AND ORDER TO 13 VERONICA D. AGUIRRE, OWNER. ABATE NUISANCE 14 [R.C.O. Nos. 541 (RCC Chapter 8.120) and 725 (RCC Title 1)] 15 16 The above-captioned matter came on regularly for hearing on December 8, 2009, before the 17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor 18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 22411 Old Elsinore Road, Perris, Riverside County, and further described as 19 Assessor's Parcel Number 323-070-025 referred to hereinafter as "THE PROPERTY." 20 21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code 22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department. 23 No one appeared on behalf of owner. 24 The Board of Supervisors received the Declaration of Code Enforcement Officer together 25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code 26 Chapter 8.120. 27

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

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#### **SUMMARY OF EVIDENCE**

- Documents of record in the Riverside County Recorder's Office identify the OWNER 1. of THE PROPERTY as Veronica D. Aguirre ("OWNER").
- Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Statewide Lenders Service, Bobby J. Ford and Mary A. Ford and Riverside County Department of Public Social Services Recovery Unit ("INTERESTED PARTIES").
- THE PROPERTY was inspected by Code Enforcement Officers on April 1, 2008, 3. June 17, 2008, November 24, 2008, July 7, 2009, October 8, 2009, and December 3, 2009.
- 4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: tires, household trash, wood, metal, mattresses, furniture, furniture parts, piping, broken tools, siding, plastics, burn debris, toys, foam, a toilet, pallets, clothing and miscellaneous debris.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.
- 6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on May 11, 2008 as instrument number 2008-0224877.
- 7. On April 1, 2008, Notice of Violation was posted on THE PROPERTY. On April 18, 2008 and July 9, 2009, Notices of Violation were mailed by certified mail, return receipt requested to OWNER and on February 10, 2009 were mailed to INTERESTED PARTIES.
- On October 5, 2009 a "Notice to Correct County Ordinance Violations and Abate 8. Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 8, 2009 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on October 8, 2009.

#### FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 8, 2009 finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 22411 Old Elsinore Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 3231

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070-025 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

- 2. WHEREAS. THE OWNER, or any person having possession or control of the premises should abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.
- 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

#### ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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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.

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Dated: January 26, 2010

**COUNTY OF RIVERSIDE** 

Marion Ashley

Chairman, Board of Supervisors

ATTEST:

**KECIA HARPER-IHEM** 

Clerk to the Board

By Iml Thlemne Deputy

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(SEAL)

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# LARRY W. WARD COUNTY OF RIVERSIDE ASSESSOR-COUNTY CLERK-RECORDER

Recorder P.O. Box 751 Riverside, CA 92502-0751 (951) 486-7000

http://riverside.asrclkrec.com

## **CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors (embossed on document)



Date:

Signature:

Print Name:

1-26-10

and anomy

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



## **NOTICE LIST**

Subject Property: 22411 Old Elsinore Road, Perris Case No.: CV 08-02165 APN: 323-070-025; District 5

VERONICA D. AGUIRRE 22411 OLD ELSINORE RD. PERRIS, CA 92570

TENANTS/OCCUPANTS 22411 OLD ELSINORE RD. PERRIS, CA 92570

VERONICA D. AGUIRRE 201 N. SIXTH ST. GASDEN, AL 35903

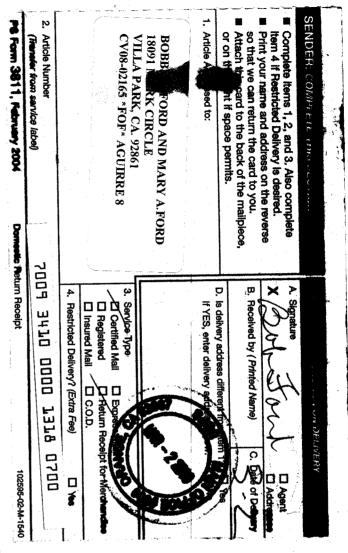
VERONICA D. AGUIRRE 20657 WELLS ST. PERRIS, CA 92570

VERONICA AGUIRRE 1844 TWELFTH ST. #14 RIVERSIDE, CA 92507

BOBBY J. FORD AND MARY A. FORD 18091 MARK CIRCLE VILLA PARK, CA 92861

STATEWIDE LENDERS SERVICE 11081 WINNERS CIRCLE #100 LOS ALAMITOS, CA 90720

RIVERSIDE COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES RECOVERY UNIT 3021 FRANKLIN AVE. RIVERSIDE, CA 92507



## **NOTICE LIST**

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Originals filed with the Clerk of the Board: Agenda No. 2.20 of 1/26/10 on the Consent calendar.

PROOF OF SERVICE
Case Nos. CV08-02165

### STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 2010, I served the following document(s):

### FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

## OWNERS OR INTERESTED PARTIES (see attached notice list)

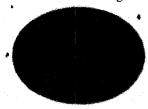
**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

\_\_ FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON M arch 1, 2010, at Riverside, California.



## CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

JOHN BOYD Director

## **AFFIDAVIT OF POSTING OF NOTICES**

March 5, 2010

**RE CASE NO: CV0802165** 

#### I, Jennifer Morris, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557.

That on 3/5/10 at 0950 hrs, I securely and conspicuously posted Finding of Facts at the property described as:

Property Address: 22411 OLD ELSINORE RD, PERRIS

Assessor's Parcel Number: 323-070-025

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Jennifer Morris, Code Enforcement Officer