

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

3108



SUBMITTAL DATE:
June 17, 2010

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-06615 (BENITEZ)
Subject Property: 19072 Consul Avenue, Corona
APN 277-044-073
District Two

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06615 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 09-06615; 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 09-06615.

BACKGROUND:

On June 8, 2010, 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 Fact, Conclusion and Order to Abate.

L. Alexandra Fong

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Tina Grande*

Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: June 29, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*

Deputy

Dept's Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 06/08/10; 9.1 | District: 2 | Agenda Number:

2.6

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



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHGCC									508

4
5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

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



13 IN RE ABATEMENT OF PUBLIC NUISANCE:
14 [ACCUMULATION OF RUBBISH]; APN 277-
15 044-073, 19072 CONSUL AVENUE, CORONA,
RIVERSIDE COUNTY, CALIFORNIA; TOMAS
BENITEZ, OWNER.

CASE NO. CV 09-06615

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 8, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 19072 Consul Avenue, Corona, Riverside County, and further described as Assessor's
20 Parcel Number 277-044-073 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear. Robert Mabee appeared and addressed the Board of Supervisors.

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
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Tomas Benitez ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Countrywide Home Loans, Inc., Recon Trust Company, Cal-West
6 Reconveyance Corp. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 3,
8 2009, October 16, 2009, December 9, 2009, January 21, 2010, April 13, 2010 and June 3, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: litter, furniture, wood, household
11 items, tile and other miscellaneous items.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on November 20, 2009, as instrument number 2009-
16 0602466.

17 7. On September 3, 2009, a Notice of Violation was posted on THE PROPERTY. On
18 September 16, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNER and to INTERESTED PARTIES on December 15, 2009.

20 8. On April 12, 2010, a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 8,
22 2010 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
23 PARTIES and was posted on THE PROPERTY on April 13, 2010.

FINDINGS AND CONCLUSIONS

24
25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on June 8, 2010, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 19072 Consul
28 Avenue, Corona, Riverside County, California, also identified as Assessor's Parcel Number 277-044-

2010-0303612
08/30/2010 08:06A
2 of 5



1 073 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2 2. WHEREAS, OWNER, or any person having possession or control of the premises
3 should abate the condition by removing and disposing all accumulated rubbish from the subject real
4 property in strict accordance with all Riverside County Ordinances, including but not limited to
5 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

10 **ORDER TO ABATE NUISANCE**

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

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

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



1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: June 29, 2010

COUNTY OF RIVERSIDE

6
7 By Marion Ashley
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By Karen Austin
14 Deputy

15
16 (SEAL)



FORM APPROVED COUNTY COUNSEL
BY: L. Alexandra Fong 6/15/10
DATE



2010-0303612
06/30/2010 08:00A
4 of 5



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

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrelkrec.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: 10-29-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 19072 Consul Avenue, Corona
Case No.: CV 09-06615 APN: 277-044-073; District 2

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COUNTRYWIDE HOME LOANS INC
PO BOX 10423
VAN NUYS CA 91410

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
McCarroll Addressee

B. Received by (Printed Name) Agent
SEP 13 2010 C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

CV 09-06615 (bank) FF 5

2. Article Number

(Transfer from service label)

7009 3410 0000 1317 9889

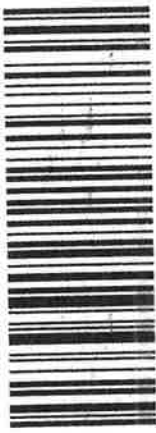
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1840

CERTIFIED MAIL

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501



7009 3410 0000 1317 9889

RECON TRUST COMPANY
225 HILLCREST DR.
THOUSAND OAK CA 91360



913603750109644

NIXIE 913 SE 1 00 09/06/10
RETURN TO SENDER
NOT DELIVERABLE
UNABLE TO FORWARD
BC: 92501364405 *2404-15373-02-24

PROOF OF SERVICE

Case No. CV 09-06615

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on Sept. 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)**

XX **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 Sept. 1, 2010, at Riverside, California.

Brenda Peeler
BRENDA PEELER

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Andree Adler</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: CAL-WEST RECONVEYANCE CORP PO BOX 22004 525 E MAIN STREET EL CAJON CA 92022	B. Received by (Printer Name) Andree Adler	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 3410 0000 1317 9858		
Domestic Return Receipt 102595-02-M-1540		

C/O 9-06615 (Benitez) FO 5



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 2, 2010

RE CASE NO: CV0906615

I, Brian Bealer, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 13575 Magnolia Ave, Corona, California 92879 .

That on September 2, 2010 at 11:15am, I securely and conspicuously posted Findings of Fact and Conclusions and Order to Abate along with a notice list on the front door at the property described as:

Property Address: 19072 CONSUL AVE, CORONA

Assessor's Parcel Number: 277-044-073

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

Executed on September 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Brian Bealer, Senior Code Enforcement Officer