

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

106 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Sept 1, 2010

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-12072 (DAVILA)
Subject Property: 52127 Acorn Lane, Idyllwild; APN: 559-272-002
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12072 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 09-12072; 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 09-12072.

(Continued)

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

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, 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
Absent: None
Date: September 14, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board,
By: *J. Buster*
Deputy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Abatement of Public Nuisance
Case No. CV 09-12072; DAVILA
52127 Acorn Lane, Idyllwild
Page 2

BACKGROUND:

On August 10, 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 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 directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:

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



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4 WHEN RECORDED PLEASE MAIL TO:

5 L. Alexandra Fong, Deputy County Counsel
6 County of Riverside

OFFICE OF COUNTY COUNSEL

7 3960 Orange Street, Fifth Floor (Stop #1350)

8 Riverside, CA 92501

[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
12 [ACCUMULATION OF RUBBISH]; APN 559-)
13 272-002, 52127 ACORN LANE, IDYLLWILD,)
RIVERSIDE COUNTY, CALIFORNIA; JANET L.)
14 DAVILA, OWNER.)

CASE NO. CV 09-12072

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 August 10, 2010, 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
19 property described as 52127 Acorn Lane, Idyllwild, Riverside County, and further described as
20 Assessor's Parcel Number 559-272-002 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.

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 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER
3 of THE PROPERTY as Janet L. Davila (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Capital One Bank and State of California Franchise Tax Board
6 (“INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 16,
8 2009, December 17, 2009, February 4, 2010, March 3, 2010, April 19, 2010, July 1, 2010 and
9 August 5, 2010.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: black plastic garbage bags filled with
12 green waste, clothing, scattered debris and tree branches.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on March 16, 2010 as instrument number 2010-0120738.

17 7. On November 16, 2009, a Notice of Violation was posted on THE PROPERTY. On
18 November 18, 2009 and March 10, 2010, Notices of Violation were mailed by certified mail, return
19 receipt requested to OWNER. On March 10, 2010, a Notice of Violation was mailed by certified mail
20 return receipt requested to INTERESTED PARTIES.

21 8. On June 30, 2010, a “Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on August
23 10, 2010 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
24 PARTIES and was posted on THE PROPERTY on July 1, 2010.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on August 10, 2010 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 52127 Acorn

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09/15/2010 08:00A
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1 Lane, Idyllwild, Riverside County, California, also identified as Assessor's Parcel Number 559-272-
2 002 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate



1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7 Dated: September 14, 2010

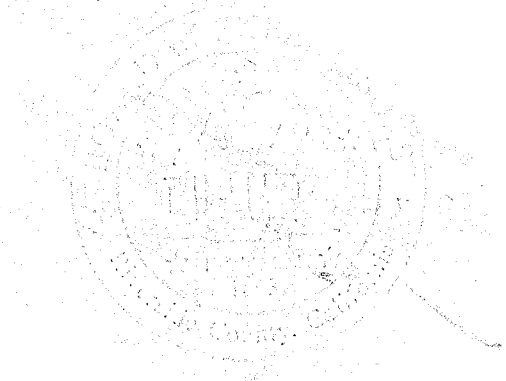
COUNTY OF RIVERSIDE

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

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13
14
15 By Karen B. Janta
16 Deputy

17
18 (SEAL)



FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 9/24/10

28



2010-0442773
09/15/2010 08:00A
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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.asrclrec.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:

09-14-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 52127 Acorn Lane, Idyllwild
Case No.: CV 09-12072 APN: 559-272-002; District 3

JANET L. DAVILA
PO BOX 2232
IDYLLWILD, CA 92549

CAPITAL ONE BANK
C/O ESKANOS & ADLER, PC
2325 CLAYTON ROAD
CONCORD, CA 94520

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 2952
SACRAMENTO, CA 95812

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:

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 2952
SACRAMENTO, CA 95812
CV09-12072 *POF* DAVILA J

2. Article Number
(Transfer from service label)

7009 3410 0000 1317 8554

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
Maria Valim
B. Received by (Printed Name) Date of Delivery
Maria Valim
C. Date of Delivery
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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:

CAPITAL ONE BANK
C/O ESKANOS & ADLER, PC
2325 CLAYTON ROAD
CONCORD, CA 94520
CV09-12072 *POF* DAVILA J

2. Article Number
(Transfer from service label)

7009 3410 0000 1317 8547

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
B. Received by (Printed Name) Date of Delivery
C. Date of Delivery
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PROOF OF SERVICE

Case No. CV09-12072

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

That on September 30, 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 September 30, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

October 5, 2010

RE CASE NO: CV0912072

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 10/01/2010 at 11:58 a.m., I securely and conspicuously posted Finding of Facts at the property described as:

Property Address: 52127 ACORN LN, IDYLLWILD

Assessor's Parcel Number: 559-272-002

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

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

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in cursive script that reads "Anita Bustillos".

By: Anita Bustillos, Code Enforcement Technician

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD