

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



2013

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 16, 2010

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-03435 (LOPEZ)
Subject Property: 1 Parcel West of 22237 Lukens Lane, Perris
APN: 323-090-012; District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-03435 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 09-03435; 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 09-03435.

(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

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: September 28, 2010
xc: Co.Co.(3); Recorder

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

- Consent
- Policy
- Consent
- Policy

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

Abatement of Public Nuisance
Case No. CV 09-03435; LOPEZ
1 Parcel West of 22237 Lukens Lane, Perris
Page 2

BACKGROUND:

On August 31, 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
4 (Stop #1010)



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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
wchgee						T:	CTY	UNI	518

EXEMPT'6103

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [ACCUMULATION OF RUBBISH]; APN 323-
13 090-012, ONE PARCEL WEST OF 22237
14 LUKENS LANE, PERRIS, RIVERSIDE
15 COUNTY, CALIFORNIA; IRINEO LOPEZ,
16 OWNER.

CASE NO. CV 09-03435

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 31, 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 One Parcel West of 22237 Lukens Lane, Perris, Riverside County, and further
20 described as Assessor's Parcel Number 323-090-012 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 ///

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2010 OCT 12 PM 3:32

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 7, 2009,
7 August 12, 2009, October 26, 2009, December 1, 2009, January 20, 2010, March 29, 2010, May 13,
8 2010 and August 27, 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: scrap wood, construction debris,
11 bicycle parts, fencing, paper 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 June 5, 2009 as instrument number 2009-0287304.

16 7. On May 7, 2009, a Notice of Violation was posted on THE PROPERTY. On May
17 27, 2009 and February 16, 2010, a Notice of Violation was mailed by certified mail, return receipt
18 requested to OWNER.

19 8. On May 11, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on August
21 31, 2010 was mailed by certified mail, return receipt requested, to OWNER and was posted on THE
22 PROPERTY on May 13, 2010.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on August 31, 2010, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
27 West of 22237 Lukens Lane, Perris, Riverside County, California, also identified as Assessor's Parcel
28 Number 323-090-012 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2010-0464776
09/29/2010 08:09A
2 of 5



FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG 9/28/10
DATE

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: September 28, 2010

COUNTY OF RIVERSIDE

6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

12 By Alexandra Fong
13 Deputy

15 (SEAL)



2010-0464776
09/29/2010 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.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: 09-28-10

Signature: *Karen Barton*

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



NOTICE LIST

Subject Property: 1 Parcel West of 22237 Lukens Lane, Perris
Case No.: CV 09-03435 APN: 323-090-012; District 5

IRINEO LOPEZ
PO BOX 1231
PERRIS, CA 92570

IRINEO LOPEZ
18435 PEQUENA ENTRADA
PERRIS, CA 92570-8552

PROOF OF SERVICE

Case No. CV09-03435

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 Oct. 20, 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)**

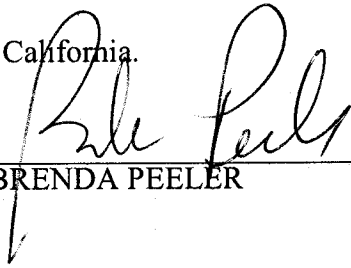
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

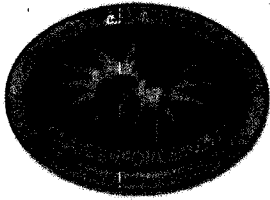
XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

 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 Oct. 20, 2010, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

October 25, 2010

RE CASE NO: CV0903435

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 10/22/10 at 10:30 hrs, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 1 PAR W/O (22237 LUKENS), PERRIS

Assessor's Parcel Number: 323-090-012

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

Executed on October 25, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD