

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

3138



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 14, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 08-01978 [GUTIERREZ/PUGA]
Subject Property: 2 Parcels Southwest of Oleo Road, Perris; APN: 317-180-022
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01978 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 08-01978; 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 08-01978.

[Signature]

(Continued)

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: *Alex Gann*
County Executive Office Signature Alex Gann

Consent Policy
 Consent Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit 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: April 26, 2011
 xc: 18813 080728
 Co. Co. (3); Recorder

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

Dept Recomm.:
 Per Exec. Ofc.:

2.8

Abatement of Public Nuisance
Case No.: CV08-01978 [GUTIERREZ/PUGA]
2 Parcels Southwest of Oleo Rancho Road, Perris
Page 2

BACKGROUND:

On March 29, 2011, 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4
5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

DOC # 2011-0194034
05/03/2011

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document
Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

[EXEMPT'6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-01978
[ACCUMULATION OF RUBBISH]; APN 317-)
12 180-022, 2 PARCELS SOUTHWEST OF OLEO) FINDINGS OF FACT,
RANCHO ROAD, PERRIS, COUNTY OF) CONCLUSIONS AND ORDER TO
13 RIVERSIDE, STATE OF CALIFORNIA;) ABATE NUISANCE
BENJAMIN GUTIERREZ AND MERCEDES)
14 SOTELA PUGA, OWNERS.) [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 March 29, 2011, 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 2 Parcels Southwest of Oleo Rancho Road, Perris, Riverside County, and
20 further described as Assessor's Parcel Number 317-180-022, referred to hereinafter as "THE
21 PROPERTY."

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

24 Owner, Mr. Gutierrez appeared at the hearing.

25 The Board of Supervisors received the Declaration of Code Enforcement Officer together
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
28 Chapter 8.120.

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Benjamin Gutierrez and Mercedes Sotelo Puga ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Edmond and Marina Roothinian c/o Trustee Corps, Guadalupe Vasquez, State
6 of California Franchise Tax Board and State of California Employment Development Department
7 ("EDD") ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 29,
9 2008, March 25, 2008, May 29, 2009, August 28, 2009, February 22, 2010, March 23, 2010, April
10 29, 2010, May 27, 2010, August 11, 2010, September 17, 2010, October 19, 2010, November 10,
11 2010, December 1, 2010, December 15, 2010, December 27, 2010 and March 15, 2011.

12 4. During each inspection, an accumulation of rubbish was observed on THE
13 PROPERTY. The rubbish consisted of, but was not limited to: spent building materials, old clothes,
14 broken furniture, empty metal drums, scrap wood, tires and scrap metal.

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

17 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
18 County of Riverside, State of California on March 26, 2008, as Instrument Number 2008-0147421.

19 7. On February 29, 2008, a Notice of Violation was posted on THE PROPERTY. On
20 March 18, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
21 OWNERS. On March 18, 2009 and December 1, 2010, Notices of Violation were mailed by certified
22 mail, return receipt requested to INTERESTED PARTIES.

23 8. On March 15, 2011, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
25 29, 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED
26 PARTIES and posted on THE PROPERTY on March 15, 2011.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on March 29, 2011, finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at 2 Parcels
3 Southwest of Oleo Ranch Road, Perris, Riverside County, California, also identified as Assessor's
4 Parcel Number 317-180-022 violates Riverside County Ordinance No. 541 and constitutes a public
5 nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
17 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
18 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
19 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
20 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
3 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or
6 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
7 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

10 Dated: April 26, 2011

COUNTY OF RIVERSIDE

11
12 By Bob Buster
13 Bob Buster
14 Chairman, Board of Supervisors

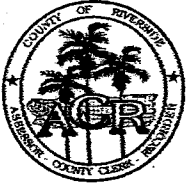
15 ATTEST:
16 KECIA HARPER-IHEM
17 Clerk to the Board

18 By Karen Ogutan
19 Deputy

21 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 4/27/11

28



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

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcrkrec.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: 4-26-11

Signature: *Karen Barton*

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

NOTICE LIST

Subject Property: 2 Parcels Southwest of Oleo Ranch Road, Perris
Case No.: CV 08-01978 APN: 317-180-022; District 1

BENJAMIN GUTIERREZ
MERCEDES SOLTELO PUGA
13206 TWINFLOWER CT.
MORENO VALLEY, CA 92553

EDMOND ROOHINIAN
MARINA ROOHINIAN
C/O TRUSTEE CORPS
30 CORPORATE PARK, SUITE 400
IRVINE, CA 92606

EDMOND ROOHINIAN
MARINA ROOHINIAN
8448 ORANGE STREET
DOWNEY, CA 90242

GUADALUPE VASQUEZ
7952 E. NEWARK AVE.
ROSEMEAD, CA 91770

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

STATE OF CALIFORNIA EDD
LIEN GROUP, MIC 92G
PO BOX 826880
SACRAMENTO, CA 94280

4.26.11 2.8

PROOF OF SERVICE

Case No. CV08-01978

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, LaKeshia Covington, 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, Suite 500, Riverside, California 92501-3674.

That on May 19, 2011, 2011, 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 May 19, 2011, 2011, at Riverside, California.


LAKESHA COVINGTON



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

May 21, 2011

RE CASE NO: CV0801978

I, Jon Kirchoff, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 05/21/2011 at 0715 hours, I securely and conspicuously posted \"Findings of Facts, Conclusions and Order to Abate Nuisance\", at the property described as:


Property Address: 2 PARCELS S/W of Oleo Ranch Rd., Perris

Assessor's Parcel Number: 317-180-022

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

Executed on May 21, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jon Kirchoff, Code Enforcement Officer