

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

403B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
April 21, 2011

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV10-02057 [BENSON]  
Subject Property: 21510 Eucalyptus Ave., Perris; APN: 325-060-002  
District: Five

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02057 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 10-02057; 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 10-02057.

(Continued)

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

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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

County Executive Office Signature

- Consent  Policy
- Consent  Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione 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: May 3, 2011  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Dept Recomm.:  
Per Exec. Ofc.:

2.12

Abatement of Public Nuisance  
Case No.: CV10-02057 [BENSON]  
21510 Eucalyptus Ave., Perris  
District Five  
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**BACKGROUND:**

On March 1, 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:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

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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, Suite 500 (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT GC6103 & 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NO. CV 10-02057
12 [ACCUMULATION OF RUBBISH]; APN 325-	)	
13 060-002, 21510 EUCALYPTUS AVE., PERRIS,	)	FINDINGS OF FACT,
14 COUNTY OF RIVERSIDE, STATE OF	)	CONCLUSIONS AND ORDER TO
15 CALIFORNIA; HARRY C. BENSON, OWNER.	)	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 March 1, 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 21510 Eucalyptus Ave., Perris, Riverside County, and further described as  
20 Assessor's Parcel Number 325-060-002 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 and did not address 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 ///

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**SUMMARY OF EVIDENCE**

1. Documents of record in the Riverside County Recorder’s Office identify the OWNER of THE PROPERTY as Harry C. Benson (“OWNER”).
2. Documents of title indicate that no other party may potentially hold a legal interest in THE PROPERTY.
3. THE PROPERTY was inspected by Code Enforcement Officers on April 21, 2010, June 4, 2010, July 7, 2010, August 13, 2010, August 30, 2010, September 30, 2010, November 18, 2010, February 10, 2011 and February 25, 2011.
4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: household rubbish items, tires, spent building materials, green waste, automotive batteries, clothings and other miscellaneous items.
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 July 16, 2010, as instrument number 2010-0333167.
7. On April 21, 2010, a Notice of Violation was posted on THE PROPERTY. On April 28, 2010 and October 20, 2010, Notices of Violation were mailed by certified mail, return receipt requested to OWNER.
8. On February 9, 2011, a “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on March 1, 2011, was mailed by certified mail, return receipt requested, to the OWNER and posted on THE PROPERTY on February 10, 2011.

**FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 1, 2011, finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 21510 Eucalyptus Ave., Perris, Riverside County, California, also identified as Assessor's Parcel Number 325-060-002 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

9 **ORDER TO ABATE NUISANCE**

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

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

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

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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.

3  
4 Dated: May 3, 2011

COUNTY OF RIVERSIDE

5  
6 By *Bob Buster*  
7 Bob Buster  
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By *Karen Buster*  
13 Deputy

14  
15 (SEAL)



FORM APPROVED COUNTY COUNSEL  
BY: *L. Alexandra Fong* DATE 4/19/11  
L. ALEXANDRA FONG

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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.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:

5-3-11

Signature:

Karen Barton

Print Name:

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





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

Glenn Baude  
Director

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**AFFIDAVIT OF POSTING OF NOTICES**

**Case No.: CV10-02057**

**I, David Jurden, hereby declare:**

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside  
Code Enforcement Department  
24318 Hemlock Avenue, Suite C-1  
Moreno Valley, CA 92557

2. That on **June 1, 2011 at 1059 AM**, I securely and conspicuously posted the **Finding of Fact, Conclusions and Order to Abate Nuisance, Proof of Service and the Notice List** at the property described as:

**Property Address: 21510 Eucalyptus Avenue, Perris**

**Assessor's Parcel Number: 325-060-002**

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

Executed on **June 1, 2011** at Moreno Valley, California.

**CODE ENFORCEMENT DEPARTMENT**

By:   
\_\_\_\_\_  
**David Jurden, Code Enforcement Technician**



**PROOF OF SERVICE**

Case No. CV10-02057

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, LaKesha 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 31, 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 FIRST CLASS MAIL.** 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 31, 2011, at Riverside, California.

  
LAKESHA COVINGTON