

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

510B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-12330 [Harford]
Subject Property: 26422 Melba Ave., Homeland; APN: 459-223-007
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12330 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 09-12330; 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 09-12330.

(Continued)

L. Alexandra Pong
L. ALEXANDRA PONG, 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 Buster, seconded by Supervisor Ashley 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 10, 2011
xc: Co.Co.(3); Recorder

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

Abatement of Public Nuisance
Case No.: CV 09-12330 [HARFORD]
26422 Melba Ave., Homeland
APN#459-223-007
District Five
Page 2

BACKGROUND:

On April 12, 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)

DOC # 2011-0207680
05/11/2011

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

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'6103]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-12330
14 [ACCUMULATION OF RUBBISH]; APN 459-)
15 223-007, 26422 MELBA AVENUE, HOMELAND,) FINDINGS OF FACT,
16 COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
17 CALIFORNIA; AARON W. HARFORD AND) ABATE NUISANCE
18 EVA B. HARFORD, OWNERS.)
19) [R.C.O. Nos. 541 (RCC Title 8) and
20) 725 (RCC Title 1)]

21 The above-captioned matter came on regularly for hearing on April 12, 2011, before the
22 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
23 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
24 property described as 26422 Melba Avenue, Homeland, Riverside County, and further described as
25 Assessor's Parcel Number 459-223-007 referred to hereinafter as "THE PROPERTY."

26 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising
27 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 No one appeared on behalf of the Owner.

The Board of Supervisors received the Declaration of Code Enforcement Officer together
with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
Title 8.

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2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Dirk Harford, Margaret J. Nichols and Orange Coast Title Co. (“INTERESTED PARTIES”).

4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: discarded household items, some metal sheeting, mattresses, cushions, sleeping bag, tires, broken lumber and other miscellaneous trash.

6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on September 23, 2010, as instrument number 2010-0457073.

8. On March 28, 2011, a “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on April 12, 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on March 30, 2011.

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 12, 2011, finds and concludes that:

FINDINGS OF FACT, CONCLUSIONS
AND ORDER TO ABATE NUISANCE 2

1 Ave., Homeland, Riverside County, California, also identified as Assessor's Parcel Number 459-223-
2 007 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, the OWNERS, 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 Title 8) within ninety (90) days.

7 3. WHEREAS, the OWNERS 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 the OWNERS or anyone having possession or control of THE PROPERTY, by removing
15 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
16 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Title 8)
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 may 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

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 4/25/11

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

Dated: May 10, 2011

COUNTY OF RIVERSIDE

By Bob Buster
Bob Buster
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karen Guter
Deputy

(SEAL)

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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

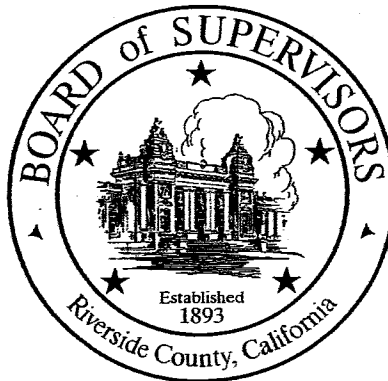
<http://riverside.asrclrec.com>

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:

5-10-11

Signature:

Karen Barton

Print Name:

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



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

June 2, 2011

RE CASE NO: CV0912330

I, Edward Torres, 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 06/02/2011 at 1150 HOURS, I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Public Nuisance at the property described as:

Property Address: 26422 MELBA AVE, HOMELAND

Assessor's Parcel Number: 459-223-007

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

Executed on June 2, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Edward Torres, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV09-12330

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