

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

709B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 12 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 08-02547 [BUCKLEY]
Subject Property: 19600 Brown Street, Perris; APN: 318-160-038
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02547 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 08-02547; 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 08-02547.

(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:
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, 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: May 24, 2011
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Dept Recomm.:
Per Exec. Ofc.:

2.5

Order to Abate
Case No. CV08-02547 [BUCKLEY]
19600 Brown Street, Perris
APN#318-160-038
District One
Page 2

BACKGROUND:

On April 26, 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 excess outside storage and 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.

05/31/2011

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk to the
3 Board of Supervisors (Stop #1010)

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

4
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 08-02547
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 318-160-038, 19600 BROWN STREET,)
17 PERRIS, COUNTY OF RIVERSIDE, STATE OF)
18 CALIFORNIA; CORA L. BUCKLEY, TRUSTEE)
19 OF THE CORA L. BUCKLEY REVOCABLE) [R.C.O. Nos. 348 (RCC Title 17), 541
20 LIVING TRUST DATED NOVEMBER 25, 2003,) (RCC Title 8) and 725 (RCC Title 1)]
21 OWNER.)

22 The above-captioned matter came on regularly for hearing on April 26, 2011, before the
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
25 property described as 19600 Brown Street, Perris, Riverside County, California and further described
26 as Assessor's Parcel Number 318-160-038 and referred to hereinafter as "THE PROPERTY."

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

29 Cora Buckley, Owner, and her children (son and daughter) appeared but did not address the
30 Board.

31 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
32 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Title 17) and 541 (Riverside County Code Chapter 8) and as a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners of
5 THE PROPERTY as Cora L. Buckley, Trustee of the Cora L. Buckley Revocable Living Trust Dated
6 November 25, 2003 ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY to wit: Floyd Henry, as Trustor and Trustee of the Floyd Henry Living Trust dated
9 September 23, 1995, The County of Riverside and Century One Builders of Arizona, Inc.
10 ("INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on May 14, 2009,
12 July 23, 2009, November 30, 2009, September 9, 2010, September 23, 2010, October 26, 2010,
13 December 1, 2010, and April 22, 2011.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
16 were not limited to: discarded furniture and appliances, lawn equipment, exercise equipment,
17 mattresses, toys, wood, metal, cardboard, plastic and miscellaneous household items. The officer
18 visually estimated the amount of accumulated rubbish and excess outside storage of materials was
19 approximately six thousand three hundred (6,300) square feet. Given the size of the parcel (2.08
20 acres) and the zoning classification (A-1-1, Light Agriculture), two hundred square feet of outside
21 storage is allowed on THE PROPERTY.

22 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 348 (RCC Title 17) and 541 (RCC Title 8) by the Code Enforcement Officer.

24 6. Notices of Noncompliance were recorded on September 30, 2010, as Instrument
25 Number 2010-467865 (accumulated rubbish) and on November 8, 2010, as Instrument Number 2010-
26 0537407 (excess outside storage) in the Office of the County Recorder, County of Riverside, State of
27 California.

28 7. On May 14, 2009, Notices of Violation for violation of Riverside County Ordinance

1 Nos. 348 and 541 were posted on THE PROPERTY. On May 27, 2009, Notices of Violation were
2 mailed to OWNER by certified mail with return receipt requested. On October 29, 2010, Notices of
3 Violation were mailed to INTERESTED PARTIES by certified mail with return receipt requested.

4 8. On April 6, 2011, the "Notice to Correct County Ordinance Violations and Abate
5 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
6 for April 26, 2011, was mailed by certified mail, return receipt requested, to OWNER and
7 INTERESTED PARTIES via certified mail with return receipt requested and was posted on THE
8 PROPERTY on April 12, 2011.

9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on April 26, 2011, finds and concludes that:

12 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
13 the real property located at 19600 Brown Street, Perris, Riverside County, California, also identified
14 as Assessor's Parcel Number 318-160-038 violates Riverside County Ordinance Nos. 348 (RCC Title
15 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under Riverside County Ordinance No.
16 348, the parcel that is 2.08 acres in size is allowed two hundred (200) square feet of outside storage
17 of materials to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
18 amount of rubbish is allowed to be accumulated on THE PROPERTY.

19 2. WHEREAS, the OWNER, occupants or any person having possession or control of
20 the premises shall abate the condition by removal of all outside storage of materials and removing and
21 disposing of all accumulated rubbish from the subject real property in strict accordance with all
22 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
23 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days.

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

28 ///

ORDER TO ABATE NUISANCE

1
2 IT IS THEREFORE ORDERED that the excess outside storage of materials and
3 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Cora L.
4 Buckley, Trustee of the Cora L. Buckley Revocable Living Trust Dated November 25, 2003, or
5 anyone having possession or control of THE PROPERTY, by removing all of the outside storage of
6 materials and removing and disposing of all accumulated rubbish from the subject real property in
7 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
8 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the date of this
9 Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
11 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
12 County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the
13 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
14 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement
15 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
16 Order when necessary under applicable law.

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Title 1). Under
21 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
22 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
23 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
24 and the costs associated with the removal or correction of the violation" Reasonable abatement costs
25 accrued by the Code Enforcement Department will be recoverable from the property

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

3
4 Dated: May 24, 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 Zanten
13 Deputy
14 (SEAL)

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19 L:\Code Enforcement\Abatements\2010\2008\CV08-02547\348 541 FOF.42711.DOC

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



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: 5-24-11

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 21, 2011

RE CASE NO: CV0802547

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 06/21/2011 at 0835 hours, I securely and conspicuously posted the \"Finding of Fact, Conclusions and Order to Abate Nuisance\" at the property described as:

Property Address: 19600 BROWN ST, PERRIS

Assessor's Parcel Number: 318-160-038

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

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

CODE ENFORCEMENT DEPARTMENT


By: Jon Kirchoff, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV08-02547

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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 June 20, 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 JUNE 20, 2011, at Riverside, California.


LAKESHA COVINGTON