

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

521 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 10-10096 [GONZALES]
Subject Property: 1 Parcel East of 21325 Hicks St., Perris; APN: 318-042-006
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-10096 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 10-10096; 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 10-10096.

(Continued)

PATRICIA MUNROE, 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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster 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: October 25, 2011
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent Policy
 Consent Policy

Dep't Recomm.:
 Per Exec. Ofc.:

Order to Abate
Case No. CV10-10096 [GONZALES]
1 Parcel East of 21325 Hicks St., Perris
APN#318-042-006
District One
Page 2

BACKGROUND:

On September 20, 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.

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



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5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, 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 GC §§ 6103 and 27383]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-10096
 12 [EXCESSIVE OUTSIDE STORAGE AND)
 13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
 14 APN 318-042-006, ONE PARCEL EAST OF) CONCLUSIONS AND ORDER TO
 15 21325 HICKS ST., PERRIS, RIVERSIDE) ABATE NUISANCE
 16 COUNTY, CALIFORNIA; JUAN C. GONZALES,)
 17 OWNER.) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on September 20, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as One Parcel East of 21325 Hicks St., Perris, Riverside County, California and
21 further described as Assessor's Parcel Number 318-042-006 and referred to hereinafter as "THE
22 PROPERTY."

23 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owner appeared but did not address the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Juan C. Gonzales ("OWNER").

5 2. Documents of title indicate that other parties may hold a legal interest in THE
6 PROPERTY, to wit: State of California Franchise Tax Board and Internal Revenue Service
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on January 25, 2011,
9 February 14, 2011, March 14, 2011, April 6, 2011, May 16, 2011 and August 25, 2011.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: plaster, floor tiles, wood, carpeting, fencing material, truck bed shell and a dog
13 house. The officer visually estimated the amount of accumulated rubbish and excess outside storage
14 of materials was approximately one thousand two hundred twenty five (1,225) square feet. Given the
15 size of the unimproved parcel (.22 acres) and the zoning classification (R-R1/2), Rural Residential),
16 no amount of outside storage or rubbish is allowed on THE PROPERTY.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 348 and 541 by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on May 24, 2011 as Document Number
20 2011-0197753 in the Office of the County Recorder, County of Riverside.

21 7. On April 6, 2011, Notice of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On April 7, 2011, Notice of Violation was
23 mailed to OWNER.

24 8. On August 24, 2011, the "Notice to Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
26 for September 20, 2011, was mailed by certified mail, return receipt requested, to OWNER and
27 INTERESTED PARTIES and was posted on THE PROPERTY on August 25, 2011.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on September 20, 2011 finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at One Parcel East of 21325 Hicks St., Perris, Riverside County, California,
6 also identified as Assessor's Parcel Number 318-042-006 violates Riverside County Ordinance Nos.
7 348 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to
8 the parcel being unimproved no amount of outside storage of materials is allowed to be stored on
9 THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to
10 be accumulated on THE PROPERTY.

11 2. WHEREAS, the OWNER, occupants or any person having possession or control of
12 the premises shall abate the condition by removal of all outside storage of materials and removing
13 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
14 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and
15 541 within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and
22 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Juan C.
23 Gonzales, or anyone having possession or control of THE PROPERTY, by removing all of the
24 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
25 real property in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to
27 Abate Nuisance.

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

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1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate
3 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and
4 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor
5 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary
6 under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
11 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
12 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
13 collection and administrative costs, attorneys fees, and the costs associated with the removal or
14 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.

4 Dated: October 25, 2011

COUNTY OF RIVERSIDE

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

7 ATTEST:
8
9 KECIA HARPER-IHEM
10 Clerk to the Board

11 By Karen Ogden
12 Deputy
13 (SEAL)



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10/31/2011 12:28P
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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)

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Date:

10-25-11

Signature:

Karen Barton

Print Name:

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

NOTICE LIST

Subject Property: 1 Parcel East of 21325 Hicks Street, Perris
Case No.: CV10-10096; APN: 318-042-006-8; District 1

JUAN C. GONZALES
33260 CASE STREET
LAKE ELSINORE, CA 92530

INTERNAL REVENUE SERVICE
POST OFFICE BOX 145585, STOP 8420G
CINCINNATI, OH 45250-5585

Serial No.: 695277910
307755106

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
POST OFFICE BOX 2952
SACRAMENTO, CA 95812-2952

Accounts: 1212016037
573944566

PROOF OF SERVICE

Case No. CV10-10096

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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, Suite 500, Riverside, California 92501-3674.

That on November 16, 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)**

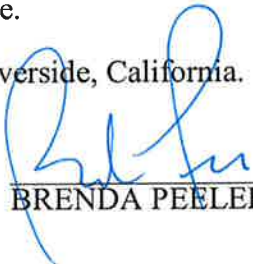
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 November 16, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 21, 2011

RE CASE NO: CV1010096

I, Marco Diaz, 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 11/21/2011 at 11:21am, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

Property Address: 1 Par. E/of 21325 Hicks St, PERRIS

Assessor's Parcel Number: 318-042-006

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

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

CODE ENFORCEMENT DEPARTMENT


By: Marco Diaz, Code Enforcement Technician