

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

605B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
October 20, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 10-07965 [KCLICK]
Subject Property: 17175 Palomas Drive, Perris; APN: 287-343-005
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-07965 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 10-07965; 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 10-07965.

(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: 
Michael R. Shetler

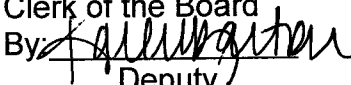
County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: November 1, 2011
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 10/04/11; 9.3 | District: 1 | Agenda Number:

2.6

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Abatement of Public Nuisance
Case No.: CV 10-07965 [KLICK]
17175 Palomas Drive, Perris
APN#287-343-005
District One
Page 2

BACKGROUND:

On October 4, 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)

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

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[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-07965
 12 [ACCUMULATION OF RUBBISH]; APN 287-)
 13 343-005, 17175 PALOMAS DRIVE, PERRIS,) FINDINGS OF FACT,
 14 RIVERSIDE COUNTY, CALIFORNIA; LOTTE) CONCLUSIONS AND ORDER TO
 15 H. KLICK AND ROLAND A. KLICK, OWNERS.) ABATE NUISANCE
)
) R.C.O. Nos. 541 and 725

16 The above-captioned matter came on regularly for hearing on October 4, 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 17175 Palomas Drive, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 287-343-005 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

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

SUMMARY OF EVIDENCE

27
28 1. Documents of record in the Riverside County Recorder's Office identify the

1 OWNERS of THE PROPERTY as Lotte H. Klick and Roland A. Klick (“OWNERS”).

2 2. Documents of title indicate that no other parties potentially hold a legal interest in
3 THE PROPERTY.

4 3. THE PROPERTY was inspected by Code Enforcement Officers on January 24, 2011,
5 March 22, 2011, April 26, 2011 and August 25, 2011.

6 4. During each inspection, an accumulation of rubbish was observed on THE
7 PROPERTY. The rubbish consisted of, but was not limited to: household trash, debris, tires, and
8 green waste.

9 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
10 No. 541 by the Code Enforcement Officer.

11 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
12 County of Riverside, State of California on February 9, 2011 as instrument number 2011-0064057.

13 7. On January 24, 2011, Notice of Violation was posted on THE PROPERTY. On
14 January 25, 2011, Notice of Violation was mailed by certified mail, return receipt requested to
15 OWNERS.

16 8. On August 25, 2011, a “Notice to Correct County Ordinance Violations and Abate
17 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on October
18 4, 2011 was mailed to OWNERS and was posted on THE PROPERTY.

19 **FINDINGS AND CONCLUSIONS**

20 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
21 regular session assembled on October 4, 2011, finds and concludes that:

22 1. WHEREAS, the accumulation of rubbish on the real property located at 17175
23 Palomas Drive, Perris, Riverside County, California, also identified as Assessor's Parcel Number
24 287-343-005 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

2011-0406663
11/02/2011 03:32P
2 of 5



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

5 **ORDER TO ABATE NUISANCE**

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

11 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
 12 accordance with all Riverside County Ordinances, including but not limited to Riverside County
 13 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
 14 may be abated and disposed of by representatives of the Riverside County Code Enforcement, a
 15 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
 16 authorizing entry onto THE PROPERTY 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. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
 21 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
 22 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
 23 collection and administrative costs, attorneys fees, and the costs associated with the removal or
 24 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

25 ///
 26 ///
 27 ///
 28 ///



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

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Dated: November 1, 2011

COUNTY OF RIVERSIDE

By Bob Buster
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Hagan
Deputy

(SEAL)





**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:

11-1-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 17175 Palomas Drive, Perris
Case No.: CV 10-07965; APN: 287-343-005; District 1

ROLAND A KLINK
LOTTE H KLINK
17175 PALOMAS DRIVE
PERRIS CA 92570

PROOF OF SERVICE

Case No. CV10-07965

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 23, 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 23, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 29, 2011

RE CASE NO: CV1007965

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 11/29/2011 at 12:35pm, I securely and conspicuously posted a FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:


Property Address: 17175 PALOMAS DR, PERRIS

Assessor's Parcel Number: 287-343-005

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

Executed on November 29, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Marco Diaz, Code Enforcement Technician