

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

907B



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

**SUBMITTAL DATE:**  
February 27, 2012

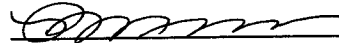
**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 10-04304 [HOLMES]  
Subject Property: 18861 Brown Street, Perris; APN: 315-101-007  
District: One/One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-04304 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 10-04304; 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 10-04304.

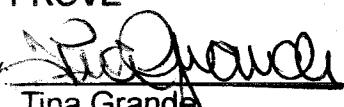
Departmental Concurrence

(Continued)

  
PATRICIA MUNROE, 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"/>

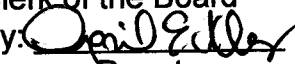
**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
Tina Grande  
**County Executive Office Signature**

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
 Dept't Recorder:  Policy  Policy  
 Per Exec. Ofc.:  Consent  Consent

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Ayes:** Buster, Tavaglione, Benoit and Ashley  
**Nays:** None  
**Absent:** Stone  
**Date:** March 13, 2012  
**xc:** Co.Co., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Abatement of Public Nuisance  
Case No.: CV 10-04304 [HOLMES]  
18861 Brown Street, Perris  
APN#315-101-007  
District One/One  
Page 2

**BACKGROUND:**

On January 10, 2012, 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:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3  
4  
5 WHEN RECORDED PLEASE MAIL TO:  
Patricia Munroe, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Suite 500 (Stop #1350)  
Riverside, CA 92501

**DOC # 2012-0120767**  
03/15/2012

**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

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-04304  
[ACCUMULATION OF RUBBISH]; )  
12 APN 315-101-007, ) FINDINGS OF FACT,  
18861 BROWN STREET, PERRIS, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
13 COUNTY, CALIFORNIA; ) ABATE NUISANCE  
)  
14 QUINCY DE PAUL HOLMES, OWNER. ) R.C.O. Nos. 541 and 725  
)

16 The above-captioned matter came on regularly for hearing on January 10, 2012 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 18861 Brown Street, Perris, Riverside County, and further described as  
20 Assessor's Parcel Number 315-101-007 referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

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

28 ///

**COPY**

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER  
3 of THE PROPERTY as Quincy De Paul Holmes ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: George and Elizabeth Weatherspoon and Internal Revenue Service.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 25, 2010,  
7 July 7, 2010, August 12, 2010, September 29, 2010, November 16, 2010, February 8, 2011, June 2,  
8 2011 and December 15, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: pile of scrap lumber, pile of concrete,  
11 white plastic buckets, crates, patio chairs, table, water jugs, mattress, tires, tree branches, furniture,  
12 wood drawers, plastic totes, water bottles and other miscellaneous items.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
16 County of Riverside, State of California on July 27, 2010, as instrument number 2010-0350440.

17 7. On May 25, 2010, Notice of Violation was posted on THE PROPERTY. On June 14,  
18 2010 and March 18, 2011, Notices of Violation were mailed by certified mail, return receipt  
19 requested to OWNER.

20 8. On December 14, 2011, a "Notice to Correct County Ordinance Violations and Abate  
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January  
22 10, 2012 was mailed to OWNER and INTERESTED PARTIES and was posted on THE  
23 PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on January 10, 2012, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 18861 Brown  
28 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 315-101-007

1 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

10   **ORDER TO ABATE NUISANCE**

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

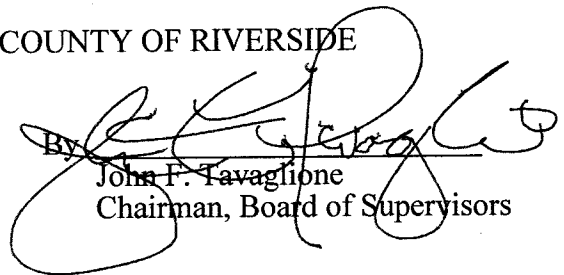
16           IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
17 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
18 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish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

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


1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought  
3 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.  
4

5 Dated: 3-13-12

COUNTY OF RIVERSIDE

By   
John F. Tavaglione  
Chairman, Board of Supervisors

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

12  
13   
14 By  
15 Deputy

16 (SEAL)  
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**LARRY W. WARD**  
**COUNTY OF RIVERSIDE**  
**ASSESSOR-COUNTY CLERK-RECORDER**

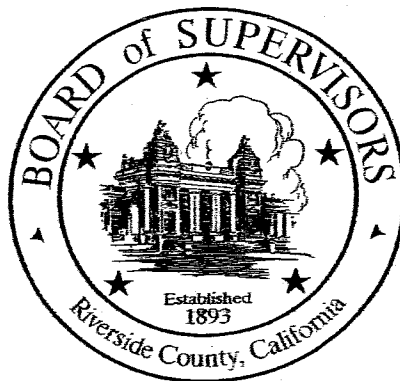
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcrkrec.com>

**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:

3/13/12

Signature:

April Eckles

Print Name:

April Eckles, Board Assistant, Riverside County Clerk of the Board