

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

103B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 6, 2014

SUBJECT: Order to Abate [Accumulated Rubbish]; Case No. CV12-05981 [CAMPOS]
Subject Property: 22344 Margrath St., Perris; APN: 345-090-019
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05981;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05981; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05981.

BACKGROUND:

Summary

On December 3, 2013, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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.

[Signature]
SOPHIA CHOI
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 28, 2014
xc: Co. Co. Recorder

Kecia Harper-Ihem
Clerk of the Board

By: *[Signature]*
Deputy

Prev. Agn. Ref.: 12/03/13; 9.2

District: 1/1

Agenda Number:

2-8

Departmental Concurrence

A-30 ☐ Positions Added ☐ Change Order ☐
4/5 Vote ☐

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

DOC # 2014-0038246
01/29/2014

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

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**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-05981
14 [ACCUMULATION OF RUBBISH];)
15 APN 345-090-019, 22344 MARGARTH STREET,) FINDINGS OF FACT,
16 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
17 VINCENT CAMPOS, OWNER.) ABATE NUISANCE
18)
19) R.C.O. Nos. 541 and 725
20)
21)
22)
23)
24)
25)
26)
27)
28)

29 The above-captioned matter came on regularly for hearing on December 3, 2013, before the
30 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
31 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
32 property described as 22344 Margarth Street, Perris, Riverside County, and further described as
33 Assessor's Parcel Number 345-090-019 referred to hereinafter as "THE PROPERTY."

34 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
35 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

36 Owner appeared, but did not address the Board of Supervisors.

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

40 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Vincent Campos ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Eastern Municipal Water District, Internal Revenue Service and tenant Sue
6 Portillo.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 19,
8 2012, and on seven other prior occasions, the last being December 2, 2013.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: wood pallets, a broken television,
11 chicken wire, chain link fencing, corrugated concrete material, lumber, household items, appliances,
12 tires, and other miscellaneous items in excess of five hundred (500) square feet.

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 Pendency of Administrative Proceedings was recorded in the Office of
16 the County Recorder, County of Riverside, State of California on January 22, 2013, as instrument
17 number 2013-0033951.

18 7. On November 19, 2012, a Notice of Violation was posted on THE PROPERTY. On
19 December 4, 2012 and October 1, 2013, a Notice of Violation was mailed to OWNER and
20 INTERESTED PARTIES by first class mail.

21 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
22 providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was
23 mailed to OWNER and INTERESTED PARTIES and was posted on THE 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 December 3, 2013, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 22344
28 Margarth Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number

1 345-090-019 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 into
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: JAN 28 2014

COUNTY OF RIVERSIDE

6
7 By Jeff Stone
8 **JEFF STONE**
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13 By
14 Deputy Roguel Rosel

15
16 (SEAL)

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27 G:\Litigation\Code Enforcement\Findings of Facts\2013\12-05981\541 FOF.DOC



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

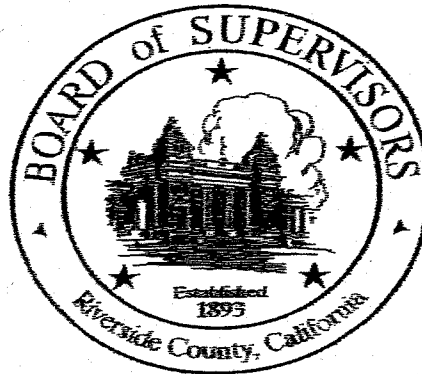
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrc-rec.com>

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:

1/28/14

Signature:

Raquel Rosete

Print Name:

Raquel Rosete, Board Assistant, Riverside County Clerk of the Board

PROOF OF SERVICE

Case No. CV12-05981

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on February 28, 2014, 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 February 28, 2014, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: 22344 Margarth Street, Perris; Case No.: CV12-05981
APN: 345-090-019; District 1/1

VINCENT GUERRERO CAMPOS
945 W D STREET
ONTARIO, CA 91762

VINCENT GUEERRERO CAMPOS
22344 MARGARTH STREET
PERRIS, CA 92570

SUE PORTILLO
22344 MARGARTH STREET
PERRIS, CA 92570

EASTERN MUNICIPAL WATER DISRICT
ATTN: BILLING DEPARTMENT
P.O. BOX 8300
PERRIS, CA 92572-8300

INTERNAL REVENUE SERVICE
P.O. BOX 145585, STOP 842OG
CINCINNATI, OH 45250-5585



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

March 5, 2014

RE CASE NO: CV1205981

I, Patricia (Tricia) Silva, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
227 North D Street Suite B
Perris, California 92570
Mail Stop#5004.

That on 03/05/14 at 9:12 am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, Notice List, Proof of Service at the property described as:

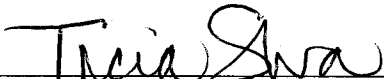
Property Address: 22344 MARGARTH ST, PERRIS

Assessor's Parcel Number: 345-090-019

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

Executed on March 5, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Patricia (Tricia) Silva, Code Enforcement Technician