

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

7038



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 15, 2015

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No. CV12-01015 [RUSSELL]
Subject Property: 1 Lot South of 12892 Balsam Circle, San Geronio; APN: 517-153-011
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-01015;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-01015; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-01015.

BACKGROUND:

Summary

On March 24, 2015, 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 (Continued)

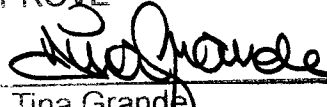

GREGORY P. PRIAMOS
County Counsel

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: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: April 28, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 03/24/15; 9.3 | District: 5 | Agenda Number:

2-9

Departmental Concurrence

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

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

FORM 11: Order to Abate [Accumulated Rubbish];

Case No. CV12-01015 [RUSSELL]

Subject Property: 1 Lot South of 12892 Balsam Circle, San Geronio

APN: 517-153-011

District: 5 [\$0.00]

DATE: April 15, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

05/04/2015

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

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

Peter Aldana
County of Riverside
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 12-01015
	[ACCUMULATION OF RUBBISH];)	
12	APN 517-153-011, 1 LOT SOUTH OF 12892)	FINDINGS OF FACT,
	BALSAM CIRCLE, SAN GORGONIO,)	CONCLUSIONS AND ORDER TO
13	RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
)	
14	RAYMOND L. RUSSELL and R.L. RUSSELL,)	R.C.O. Nos. 541 and 725
)	
15	OWNERS.)	
)	

16
17 The above-captioned matter came on regularly for hearing on March 24, 2015, 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 1 Lot South of 12892 Balsam Circle, San Gorgonio, Riverside County,
21 California and further described as Assessor's Parcel Number 517-153-011 referred to hereinafter as
22 "THE PROPERTY."

23 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owners did not appear.

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

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Raymond L. Russell and R.L. Russell ("OWNERS").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Lake Hemet Municipal Water District ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 22, 2012
7 and on eleven (11) additional occasions, the last being March 12, 2015.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood, siding, a tire and
10 miscellaneous items.

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

13 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
14 the County Recorder, County of Riverside, State of California on September 26, 2013, as instrument
15 number 2013-0466414.

16 7. On February 22, 2012, August 28, 2014, and November 19, 2014, a Notice of
17 Violation was posted on THE PROPERTY. On August 27, 2014, a Notice of Violation was mailed
18 to OWNERS by certified mail, return receipt requested. On November 19, 2014, a Notice of
19 Violation was mailed to INTERESTED PARTY by certified mail, return receipt requested.

20 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
21 providing notice of the public hearing before the Board of Supervisors on March 24, 2015, was
22 mailed to OWNERS and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on March 24, 2015, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 1 Lot South
27 of 12892 Balsam Circle, San Geronio, Riverside County, California, also identified as Assessor's
28 Parcel Number 517-153-011 violates Riverside County Ordinance No. 541 and constitutes a public

1 nuisance.

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

6 3. WHEREAS, the OWNERS and INTERESTED PARTY ARE FURTHER NOTICED
7 that the time within which judicial review of the administrative determinations made herein must be
8 sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and
9 Order to Abate 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: April 28, 2015

COUNTY OF RIVERSIDE

6
7 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors
8

9 ATTEST:
10 KECIA HARPER-IHEM
11 Clerk to the Board
12

13 By Kalubgiton
14 Deputy
15

16 (SEAL)
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**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

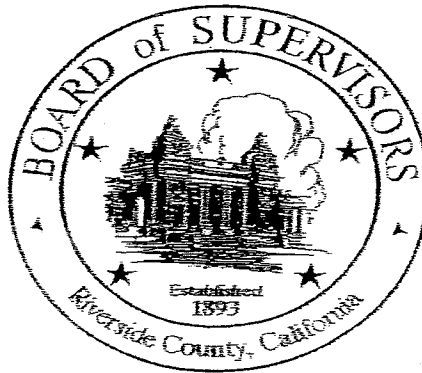
www.riversideacr.com

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:

4-28-15

Signature:

Karen Barton

Print Name:

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