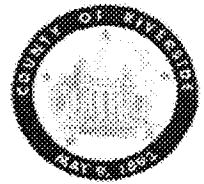


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

912B



SUBMITTAL DATE:
February 10, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-05774 (ESTATE OF FREY)
Subject Property: 44174 Florida Avenue, Hemet
APN 549-152-038
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05774 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 09-05774; 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 09-05774.

BACKGROUND:

On January 26, 2010 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 accumulation of 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 the Findings of Fact, Conclusion and Order to Abate.

[Signature]

JULIE JARVI, 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 01/26/10; 9.2

District: 3

Agenda Number:

2.12

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

5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05774
[ACCUMULATION OF RUBBISH]; APN 549-)
12 152-038, 44174 FLORIDA AVENUE, HEMET,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
13 OF PATRICIA DARLENE FREY, OWNER.) ABATE NUISANCE
)
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15

16 The above-captioned matter came on regularly for hearing on January 26, 2010, 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 44174 Florida Avenue, Hemet, Riverside County, and further described as
20 Assessor's Parcel Number 549-152-038 referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of Owner.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Estate of Patricia Darlene Frey ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Liberty Reverse Mortgage, Inc., Lenders Choice Title Company, Seattle
6 Mortgage Company, Secretary of Housing and Urban Development ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 6, 2009,
8 October 8, 2009, December 29, 2009, and January 22, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: paper trash, cardboard, broken
11 furniture, green waste and other miscellaneous items

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on August 13, 2009 as instrument number 2009-0423080.

16 7. On August 6, 2009, Notices of Violation were posted on THE PROPERTY. On
17 August 7, 2009 Notice of Violation was mailed by certified mail, return receipt requested to OWNER.
18 On August 27, 2009, a Notice of Violation was mailed by certified mail return receipt requested to
19 OWNER and INTERESTED PARTIES.

20 8. On December 29, 2009 "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 26, 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
23 PARTIES and posted on THE PROPERTY on December 29, 2009.

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 26, 2010 finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 44174 Florida
28 Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-152-

1 038 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
3 premises should 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 (RCC Chapter 8.120) within ninety (90) days.

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
13 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
14 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
15 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
16 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 Marion Ashley
10 Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14 By

15 Deputy

16 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 2/8/00
DATE
JULIE A. KOONS JARVI