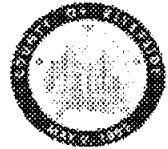


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 08-04384 [GETTMAN]
Subject Property: 44120 Acacia Ave., Hemet; APN: 549-200-011
District: Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04384 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 08-04384; 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 08-04384.

L. Alexandra Hong

(Continued)

L. ALEXANDRA HONG, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV08-04384 [GETTMAN]
44120 Acacia Ave., Hemet
District Three
Page 2

BACKGROUND:

On February 8, 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (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 08-04384
[ACCUMULATION OF RUBBISH]; APN 549-)
12 200-011, 44120 ACACIA AVE., HEMET,) FINDINGS OF FACT,
COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; DONALD W. GETTMAN AND) ABATE NUISANCE
SUSAN A. GETTMAN, OWNERS.)
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 February 8, 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 44120 Acacia Ave., Hemet, Riverside County, and further described as
20 Assessor's Parcel Number 549-200-011 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, 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 and did not address the Board of Supervisors.

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
3 OWNERS of THE PROPERTY as Donald W. Gettman and Susan A. Gettman ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: James H. Carter and Audrey Carter, Internal Revenue Service and Lake Hemet
6 Municipal Water District ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 28, 2008,
8 July 17, 2008, December 1, 2008, December 23, 2008, January 7, 2009, March 12, 2009, April 3,
9 2009, April 16, 2009, April 30, 2009, August 12, 2009, October 16, 2009, October 31, 2009, July 28,
10 2010, September 22, 2010, November 29, 2010, January 20, 2011 and February 3, 2011.

11 4. During each inspection, an accumulation of rubbish was observed on THE
12 PROPERTY. The rubbish consisted of, but was not limited to: tires, household trash, wood scraps,
13 plastic buckets, metal and dried cut vegetation.

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

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
17 County of Riverside, State of California on August 13, 2010, as instrument number 2010-0381724.

18 7. On May 28, 2008, a Notice of Violation was posted on THE PROPERTY. On June
19 20, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS.
20 On August 25, 2010, a Notice of Violation was mailed by certified mail return receipt requested to
21 INTERESTED PARTIES.

22 8. On January 19, 2011, a "Notice to Correct County Ordinance Violations and
23 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
24 February 8, 2011 was mailed by certified mail, return receipt requested, to the OWNERS and
25 INTERESTED PARTIES and posted on THE PROPERTY on January 20, 2011.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on February 8, 2011, finds and concludes that:

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
3 collection and administrative costs, attorneys fees, and the costs associated with the removal or
4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
6 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7
8 Dated: _____

COUNTY OF RIVERSIDE

9
10 By _____
Marion Ashley
Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14
15
16 By
17 Deputy

18
19 (SEAL)
20
21
22
23
24

25 L:\Code Enforcement\Abatements\2010\2008\CV08-04384\541 FOF.DOC
26
27
28

FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG 9/3/11 DATE