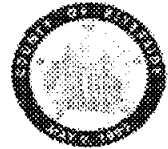


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

507B



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

**SUBMITTAL DATE:**  
April 28, 2011

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 09-12550 [KRUSE]  
Subject Property: 55200 Hatton Pl., Whitewater; APN: 517-101-011  
District: Five

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12550 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 09-12550; 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 09-12550.

(Continued)

L. ALEXANDRA FONG, 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**

- Policy
- Consent
- Policy
- Consent

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

Abatement of Public Nuisance  
Case No.: CV09-12550 [KRUSE]  
55200 Hatton Pl., Whitewater  
APN# 517-101-011  
District Five  
Page 2

**BACKGROUND:**

On April 12, 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 09-12550  
[ACCUMULATION OF RUBBISH]; APN 517- )  
12 101-011, 55200 HATTON PL., WHITEWATER, ) FINDINGS OF FACT,  
COUNTY OF RIVERSIDE, STATE OF ) CONCLUSIONS AND ORDER TO  
13 CALIFORNIA; DOUGLAS J. KRUSE AND ) ABATE NUISANCE  
YVONNE S. KRUSE, 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 April 12, 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 55200 Hatton Pl., Whitewater, Riverside County, and further described as  
20 Assessor's Parcel Number 517-101-011 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of the 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 Douglas J. Kruse and Yvonne S. Kruse ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Arnold L. Veldkamp/Superior Ready Mix Concrete and Mission Springs Water  
6 District ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 2,  
8 2009, January 8, 2010, April 22, 2010, May 21, 2010, August 10, 2010, August 18, 2010, October  
9 26, 2010, December 2, 2010, December 29, 2010, March 29, 2011 and April 8, 2011.

10 4. During each inspection, an accumulation of rubbish was observed on THE  
11 PROPERTY. The rubbish consisted of, but was not limited to: wood pallets, empty cement bags, cut  
12 up metal, plastic bags and other household trash.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
14 No. 541 (RCC Chapter 8.120) 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 September 3, 2010, as instrument number 2010-0425871.

17 7. On December 2, 2009 and August 18, 2010, Notices of Violation were posted on  
18 THE PROPERTY. On December 9, 2009, a Notice of Violation was mailed via certified mail with  
19 return receipt requested to OWNERS and Occupant. On August 18, 2010, a Notice of Violation was  
20 mailed to OWNERS via certified mail with return receipt requested.

21 8. On March 28, 2011, a "Notice to Correct County Ordinance Violations and Abate  
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on April 12,  
23 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
24 PARTIES and posted on THE PROPERTY on March 29, 2011.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on April 12, 2011, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 55200 Hatton

1 Pl., Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-101-  
2 011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, the OWNERS, or any person having possession or control of the  
4 premises shall abate the condition by removing and disposing all accumulated rubbish from the subject  
5 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
6 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be  
14 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
15 and disposing of all rubbish from the subject real property in strict accordance with all Riverside  
16 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
17 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

