

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

909B



FROM: County Counsel/TLMA
Code Enforcement Department

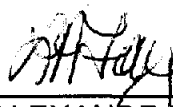
SUBMITTAL DATE:
June 2, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 10-06635 [NGUYEN]
Subject Property: 43337 Edith Way, Hemet; APN: 549-234-004
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06635 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 10-06635; 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 10-06635.

(Continued)


L. ALEXANDRA FONG, 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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:


Tina Grande

County Executive Office Signature

Policy ☐

Consent ☒

Policy ☐

Consent ☒

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 5/3/11; 9.3

District: 3

Agenda Number:

2.9

Abatement of Public Nuisance
Case No.: CV 10-06635 [NGUYEN]
43337 Edith Way, Hemet
APN# 549-234-004
District Three
Page 2

BACKGROUND:

On May 3, 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 GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-06635
[ACCUMULATION OF RUBBISH]; APN 549-)
12 234-004, 43337 EDITH WAY, HEMET, COUNTY) FINDINGS OF FACT,
OF RIVERSIDE, STATE OF CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 SHAWN NGUYEN, OWNER.) ABATE NUISANCE
14)
[R.C.O. Nos. 541 (RCC Title 8) and
15 725 (RCC Title 1)]

16
17 The above-captioned matter came on regularly for hearing on May 3, 2011, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 43337 Edith Way, Hemet, County of Riverside and further described as Assessor's
21 Parcel Number 549-234-004 referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of Owner.

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

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Union Bank of California, N.A. and Lake Hemet Municipal Water District
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 24, 2010,
8 November 17, 2010, January 25, 2011, April 19, 2011 and April 28, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: green woody waste, tires, scrap
11 wood, carpet and carpet padding, torn up furniture, tires and trash.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 (RCC Title 8) 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 December 8, 2010, as instrument number 2010-0586666.

16 7. On August 24, 2010, a Notice of Violation was posted on THE PROPERTY. On
17 August 25, 2010, a Notice of Violation was mailed by certified mail, return receipt requested to
18 OWNER. On December 9, 2010, a Notice of Violation was mailed by certified mail return receipt
19 requested to OWNER and INTERESTED PARTIES.

20 8. On April 14, 2011, a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 3,
22 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED
23 PARTIES and posted on THE PROPERTY on April 19, 2011.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on May 3, 2011, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 43337 Edith
28 Way, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-234-004

violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, the OWNER or any person having possession or control of the premises shall abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Title 8) within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Title 8) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

9
10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13
14 By
15 Deputy

16
17 (SEAL)

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21
22 L:\Code Enforcement\Abatements\2011\2010\CV 10-06635\541 FOF.DOC