

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

907B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 10, 2011

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. : CV10-03159 [TORRES]
Subject Property: 43823 "D" St., Hemet; APN: 549-161-025
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-03159 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. CV10-03159; 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. CV10-03159.

Departmental Concurrence

(Continued)

PATRICIA MUNROE, 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

County Executive Office Signature

Policy

Consent

DEPARTMENTAL CONCURRENCE FILED WITH THE CLERK OF THE BOARD

Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-03159 [TORRES]
43823 "D" St., Hemet
APN#549-161-025
District 3
Page 2

BACKGROUND:

On November 1, 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 excess outside storage and 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, Conclusions and Order to Abate.

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

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5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-03159
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH]; APN 549-161-) FINDINGS OF FACT,
13 025, 43823 "D" STREET, HEMET, RIVERSIDE) CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; THE ESTATE OF) ABATE NUISANCE
14 LUDIM TORRES, DECEDENT, OWNER.)
15) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on November 1, 2011, 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 43823 "D" Street, Hemet, Assessor's Parcel Number 549-161-025 and referred
21 to hereinafter as "THE PROPERTY."

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

24 Owner's representative did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
28 a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as The Estate of Ludim Torres, Decedent (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Accredited Home Lenders, Inc., MTC Financial, Inc. dba Trustee Corps,
6 Wachovia Bank, NA, Lake Hemet Municipal Water District, Terry and Cindy Bratten
7 (“INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 15, 2010,
9 September 21, 2010, October 13, 2010, November 22, 2010, December 20, 2010, January 13, 2011,
10 and October 4, 2011.

11 4. During each inspection an accumulation of rubbish and excess outside storage was
12 observed throughout THE PROPERTY consisting of but not limited to: green woody waste, plastic
13 barrels, tools, parts, tires, materials, hardware, furniture, machinery and scrap wood.

14 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 Nos. 348 and 541 by the Code Enforcement Officer.

16 7. On October 20, 2010, Notice of Noncompliance was recorded at the Riverside County
17 Recorder’s Office as instrument number 2010-0502737.

18 8. On June 15, 2010, Notice of Violation was posted on THE PROPERTY. On June 16,
19 2010, Notice of Violation was mailed to OWNER and on October 21, 2010 was mailed to
20 INTERESTED PARTIES.

21 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
22 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
23 INTERESTED PARTIES and was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on November 1, 2011 finds and concludes that:

27 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
28 the real property located at 43823 “D” Street, Hemet, Riverside County, California, also identified as

1 Assessor's Parcel Number 549-161-025 violates Riverside County Ordinance Nos. 348 and 541 and
2 constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the size of the
3 parcel, no amount of outside storage of materials is allowed to be stored on THE PROPERTY.
4 Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on
5 THE PROPERTY.

6 2. WHEREAS, the OWNER, occupants or any person having possession or control of
7 the premises shall abate the condition by removal of all outside storage of materials and removing
8 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
9 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and
10 541 within ninety (90) days.

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the excess outside storage of materials and
18 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically The Estate of
19 Ludim Torres, Decedent, or anyone having possession or control of THE PROPERTY, by removing
20 all of the outside storage of materials and removing and disposing of all accumulated rubbish from
21 the subject real property in strict accordance with all Riverside County Ordinances, including but not
22 limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this
23 Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate
27 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and
28 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor

1 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary
2 under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 348 and 725. Under Riverside County Ordinance No. 725, "abatement
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or
10 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)