

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

606B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 19, 2012

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 08-04991 [KAWELL]
Subject Property: 7050 Adams Avenue, Colton; APN: 259-030-003
District: Five/Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04991 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 08-04991; 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 08-04991.

Departmental Concurrence

L. Alexandra Fong

(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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------|
| <input type="checkbox"/> | Policy | <input type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Consent |

Dep't Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV 08-04991 [KAWELL]
7050 Adams Avenue, Colton
APN#259-030-003
District Five/Five
Page 2

BACKGROUND:

On March 27, 2012, 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:
Patricia Munroe, 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 08-04991
[ACCUMULATION OF RUBBISH];)
12 APN 259-030-003,) FINDINGS OF FACT,
7050 ADAMS STREET, COLTON, RIVERSIDE) CONCLUSIONS AND ORDER TO
13 COUNTY, CALIFORNIA;) ABATE NUISANCE
)
14 TERRY L. KAWELL, OWNER.) R.C.O. Nos. 541 and 725
)
15

16 The above-captioned matter came on regularly for hearing on March 27, 2012 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 7050 Adams Street, Colton, Riverside County, and further described as
20 Assessor’s Parcel Number 259-030-003 referred to hereinafter as “THE PROPERTY.”

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Stacey Baumgartner, Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear.

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.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER
3 of THE PROPERTY as Terry L. Kawell (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Bank of America.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 17,
7 2010, May 13, 2010, July 12, 2010, January 12, 2011, May 17, 2011, August 19, 2011, November 8,
8 2011, January 18, 2012 and March 23, 2012.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: scrap metal, auto parts, wood, green
11 waste, household trash and miscellaneous debris.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 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 May 28, 2010, as instrument number 2010-0246826.

16 7. On February 17, 2010, Notice of Violation was posted on THE PROPERTY. On
17 February 23, 2010, Notices of Violation were mailed to OWNER and on December 20, 2010 were
18 mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested.

19 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
20 providing notice of the public hearing before the Board of Supervisors on March 27, 2012 was
21 mailed to OWNER and INTERESTED PARTY and was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on March 27, 2012, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 7050 Adams
26 Avenue, Colton, Riverside County, California, also identified as Assessor's Parcel Number 259-030-
27 003 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, the OWNER, or any person having possession or control of the premises

1 shall abate the condition by removing and disposing all accumulated rubbish from the subject real
2 property in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance No. 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
23 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
24 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
25 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
26 collection and administrative costs, attorneys fees, and the costs associated with the removal or
27 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
28 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought

1 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 4/16/12
DATE