

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

614B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
July 19, 2012

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 10-02884 [GONZALEZ]
Subject Property: 49869 W. Carmen Avenue, Cabazon; APN: 519-424-001
District: Five/Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02884 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 10-02884; 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 10-02884.

(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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent Policy
 Consent Policy

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

Abatement of Public Nuisance
Case No.: CV 10-02884 [GONZALEZ]
49869 W. Carmen Avenue, Cabazon
APN#519-424-001
District Five/Five
Page 2

BACKGROUND:

On June 5, 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)
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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
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02884
[ACCUMULATION OF RUBBISH];)
12 APN 519-424-001, 49869 W. CARMEN AVENUE,) FINDINGS OF FACT,
CABAZON, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; GUSTAVO B. GONZALEZ AND) ABATE NUISANCE
LORNA L. GONZALEZ, OWNERS.)
14) R.C.O. Nos. 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on June 5, 2012, 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 49869 W. Carmen Avenue, Cabazon, Riverside County, and further described as
21 Assessor's Parcel Number 519-424-001 referred to hereinafter as "THE PROPERTY."

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

24 Owners appeared but did not address the Board of Supervisors.

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.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the
3 OWNERS of THE PROPERTY as Gustavo B. Gonzalez and Lorna L. Gonzalez (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: World Savings Bank, FSB, Golden West Savings Association Service, Co., and
6 State of California Franchise Tax Board.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 12, 2011,
8 July 11, 2011, August 30, 2011, October 19, 2011, December 12, 2011 and April 16, 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: numerous tires, sofa, wood, plastics,
11 scrap metal and other 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 August 17, 2011, as instrument number 2011-0362987.

16 7. On April 12, 2011, Notice of Violation was posted on THE PROPERTY. On April
17 20, 2011, Notice of Violation was mailed to OWNERS and on September 15, 2011 was mailed to
18 OWNERS and INTERESTED PARTIES 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 June 5, 2012, was mailed
21 to OWNERS and INTERESTED PARTIES 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 June 5, 2012, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 49869 W.
26 Carmen Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number
27 519-424-001 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

4 3. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that the time
5 within which judicial review of the administrative determinations made herein must be sought is
6 ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order to
7 Abate 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 OWNERS 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

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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 _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy

(SEAL)