

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

309 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCT. 3, 2012

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-01224 [ESTATE OF COLLINS]
Subject Property: 32396 Highway 74, Hemet; APN: 458-321-001
District: 5/3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01224 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 09-01224; 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 09-01224.

Departmental Concurrence

[Signature]

(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: *[Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Abatement of Public Nuisance
Case No.: CV 09-01224 [ESTATE OF COLLINS]
32396 Highway 74, Hemet
APN#458-321-001
District 5/3
Page 2

BACKGROUND:

On August 28, 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 09-01224
[ACCUMULATION OF RUBBISH];)
12 APN 458-321-001, 32396 HIGHWAY 74, HEMET,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
13 OF DONALD R. COLLINS, OWNER.) ABATE NUISANCE
)
14) R.C.O. Nos. 541 and 725
)
15)
16)

17 The above-captioned matter came on regularly for hearing on August 28, 2012, 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 32396 Highway 74, Hemet, Riverside County, and further described as
21 Assessor's Parcel Number 458-321-001 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
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.

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 the Estate of Donald R. Collins ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: State of California Franchise Tax Board.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 20,
7 2009, January 4, 2011, February 16, 2011, February 28, 2011, December 12, 2011, January 18, 2012,
8 June 19, 2012 and August 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: discarded household items, furniture,
11 clothing, lumber, tires, green waste and household trash.

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 January 28, 2011, as instrument number 2011-0046802.
16 Additionally, a Notice of Pendency of Administrative Proceedings was recorded on March 13, 2012,
17 as instrument number 2012-0166457.

18 7. On February 20, 2009 and January 4, 2011, Notices of Violation were posted on THE
19 PROPERTY. On January 11, 2011, a Notice of Violation was mailed to OWNER by certified mail,
20 return receipt requested.

21 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
22 providing notice of the public hearing before the Board of Supervisors on August 28, 2012, was
23 mailed to OWNER and 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 August 28, 2012, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 32396
28 Highway 74, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 458-

1 321-001 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

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

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

22 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
23 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
24 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
25 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
26 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
27 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
28 collection and administrative costs, attorneys fees, and the costs associated with the removal or

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 John F. Tavaglione
9 Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13
14 By
15 Deputy

16 (SEAL)

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22 FORM APPROVED COUNTY COUNSEL
23 BY L. ALEXANDRA FONG 9/23/12
DATE

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27 G:\Litigation\Code Enforcement\Abatements\2012\2009\CV09-01224\541 FOF.DOC