

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

104B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 6, 2014

SUBJECT: Order to Abate [Accumulated Rubbish]; Case No. CV12-05595 [BAC HOME LOANS]
Subject Property: 33649 El Centro Ave., Hemet; APN: 458-225-005
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595.

BACKGROUND:

Summary

On December 3, 2013, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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.

Lisa Traczyk
LISA TRACZYK

Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY *Tira Grande*
Tira Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 12/03/13; 9.4 | District: 3/3 | Agenda Number:

2-10

Departmental Concurrence

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]

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9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-05595
[ACCUMULATION OF RUBBISH];)
12 APN 458-225-005, 33649 EL CENTRO AVE.,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 BAC HOME LOANS SERVICING, L.P., OWNER.) ABATE NUISANCE
)
14) R.C.O. Nos. 541 and 725
)
15)
16)

17 The above-captioned matter came on regularly for hearing on December 3, 2013, 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 33649 El Centro Ave., Hemet, Riverside County, and further described as
21 Assessor's Parcel Number 458-225-005 referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

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 OWNER
3 of THE PROPERTY as BAC Home Loans Servicing, L.P. (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Warren W. Markel, Sr., Martha L. Markel, and NDEX West, LLC (hereinafter
6 referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 17, 2012,
8 October 30, 2012, November 13, 2012, February 20, 2013, March 6, 2013, April 25, 2013,
9 September 5, 2013, and November 22, 2013.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: plastic containers, tires, wood, metal,
12 debris, a trailer, broken furniture and miscellaneous items measuring approximately five hundred
13 (500) square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 541 by the Code Enforcement Officer.

16 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
17 the County Recorder, County of Riverside, State of California on December 4, 2012, as instrument
18 number 2012-0586882.

19 7. On October 17, 2012, a Notice of Violation was posted on THE PROPERTY. On
20 October 18, 2012, a Notice of Violation was mailed to OWNER by first class mail. On May 1, 2013
21 and September 5, 2013, a Notice of Violation was mailed to OWNER by certified mail with return
22 receipt requested. On September 5, 2013, a Notice of Violation was mailed certified mail with return
23 receipt requested to INTERESTED PARTIES.

24 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was
26 mailed to OWNER and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on December 3, 2013, finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located at 33649 El
3 Centro Ave., Hemet, Riverside County, California, also identified as Assessor's Parcel Number 458-
4 225-005 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

13 **ORDER TO ABATE NUISANCE**

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

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

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
3 collection and administrative costs, attorneys fees, and the costs associated with the removal or
4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
6 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy

(SEAL)