

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

1118



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV13-00931 [BOND AND THE ESTATE OF COLCLASURE]
Subject Property: 33099 Old Highway 74, Hemet; APN: 458-120-054
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. CV13-00931;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00931; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00931.

BACKGROUND:

Summary

On March 11, 2014, 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

(Continued)

L. ALEXANDRA FONG
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:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 03/11/14; 9.3

District: 3/3

Agenda Number:

2-10

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV13-00931[BOND AND THE ESTATE OF COLCLASURE]

Subject Property: 33099 Old Highway 74, Hemet; APN: 458-120-054

District: 3/3 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Michelle Cervantes, Code Enforcement Officer
6 Regina Keyes, Senior Code Enforcement Officer
CODE ENFORCEMENT DEPARTMENT
7 4080 Lemon Street, Twelfth Floor (Stop #1012)
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 13-00931
[ACCUMULATION OF RUBBISH];)
12 APN: 458-120-054, 33099 OLD HIGHWAY 74,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 DORIS F. BOND AND THE ESTATE OF DONNA) ABATE NUISANCE
ANN COLCLASURE, OWNERS.)
14) R.C.O. Nos. 541 and 725
15)
_____)

16
17 The above-captioned matter came on regularly for hearing on March 11, 2014, 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 33099 Old Highway 74, Hemet, Riverside County, and further described as
21 Assessor's Parcel Number 458-120-054 referred to hereinafter as "THE PROPERTY."

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

24 Owners 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
3 OWNERS of THE PROPERTY as Doris F. Bond and The Estate of Donna Ann Colclasure
4 (“OWNERS”).

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: State of California Franchise Tax Board (hereinafter referred to as
7 “INTERESTED PARTY”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 8, 2013,
9 March 26, 2013, April 11, 2013, June 20, 2013, October 8, 2013, and March 4, 2014.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: household trash, plastic, metal, and
12 wood.

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

15 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
16 the County Recorder, County of Riverside, State of California on June 3, 2013, as instrument number
17 2013-0262705.

18 7. On March 8, 2013, Notice of Violation was posted on THE PROPERTY. On March
19 15, 2013 and November 5, 2013, a Notice of Violation was mailed to OWNERS by first class mail.
20 On May 8, 2013, a Notice of Violation was mailed to INTERESTED PARTY by certified mail with
21 return receipt requested.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
23 providing notice of the public hearing before the Board of Supervisors on March 11, 2014, was
24 mailed to OWNERS and INTERESTED PARTY and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on March 11, 2014, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 33099 Old

1 Highway 74, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 458-
2 120-054 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

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

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

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 Jeff Stone
10 Chairman, Board of Supervisors

11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14 By

15 Deputy

16
17 (SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG 3/26/14
DATE