

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

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish];
Case No. CV13-01584 [SOTELO]
Subject Property: 26484 Cortrite Ave., Hemet; APN: 458-270-026
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. CV13-01584;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01584; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01584.

BACKGROUND:

Summary

On March 11, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structures, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

L. Alexandra Fong
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*
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; 9.4

District: 3/3

Agenda Number:

2-11

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structures, Excessive Outside Storage &
Accumulated Rubbish];**

Case No. CV13-01584 [SOTELO]

Subject Property: 26484 Cortrite Ave., Hemet; APN: 458-270-026

District: 3/3 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

to abate the violative conditions on the property and 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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-01584
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
14 OF RUBBISH]; APN 458-270-026, 26484) CONCLUSIONS AND ORDER TO
15 CORTRITE AVE., HEMET, RIVERSIDE) ABATE NUISANCE
16 COUNTY, CALIFORNIA; JUVENTINO)
SOTELO, OWNER.) R.C.O. Nos. 348, 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on March 11, 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 26484 Cortrite Ave., Hemet, Riverside County, Assessor's Parcel Number 458-
21 270-026 and 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 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348, 457 and 541 and as a public nuisance.

SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Eastern Municipal Water District, Western Progressive, LLC, U.S. Bank,
6 National Association as Trustee for C-Bass, Encore Credit Corp., and MERS (“INTERESTED
7 PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 12, 2013,
9 April 18, 2013, May 15, 2013, June 21, 2013, September 18, 2013, October 24, 2013, and March 4,
10 2014.

11 4. During each inspection, two substandard structures (swelling and shed) were observed
12 on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
13 structures contained numerous deficiencies, including but not limited to: lack of hot and cold running
14 water to plumbing fixtures; lack of connection o required sewage system; hazardous plumbing;
15 hazardous wiring; defective or deteriorated flooring or floor supports; dampness of habitable rooms;
16 general dilapidation or improper maintenance; improper occupancy; fire hazard; and public and
17 attractive nuisance – abandoned - vacant.

18 5. During each inspection an accumulation of rubbish and excess outside storage was
19 also observed throughout THE PROPERTY consisting of but not limited to: tires, broken furniture,
20 paper, metal and plastic.

21 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348, 457 and 541 by the Code Enforcement Officer.

23 7. On August 7, 2013, a Notice of Pendency of Administrative Proceedings was
24 recorded at the Riverside County Recorder’s Office as instrument number 2013-0384992.

25 8. On April 12, 2013, a Notice of Violation, Notice of Defects and “Danger- Do Not
26 Enter” signs were posted on THE PROPERTY. On April 17, 2013 and June 24, 2013, Notice of
27 Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by first class
28 mail. On May 8, 2013, a Notice of Violation together with a Notice of Defects was mailed to

1 OWNER by certified mail, return receipt requested.

2 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
3 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
4 INTERESTED PARTIES and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

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

8 1. WHEREAS, the substandard structures (dwelling and shed), excessive outside storage
9 of materials and accumulation of rubbish on the real property located at 26484 Cortrite Ave., Hemet,
10 Riverside County, California, also identified as Assessor's Parcel Number 458-270-026 violates
11 Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

12 2. WHEREAS, the OWNER, occupants and any person having possession or control of
13 THE PROPERTY shall abate the substandard structures (dwelling and shed) by razing, removing
14 and disposing of the substandard structures including the removal and disposal of all structural debris
15 and materials, and contents therein or by reconstruction and rehabilitation of said structures
16 provided that said reconstruction or demolition can be accomplished in strict accordance with all
17 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
18 within ninety (90) days.

19 3. WHEREAS, the OWNER, occupants and any other person having possession or
20 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
21 materials by removing and disposing of all rubbish and excessive outside storage on THE
22 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
23 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

24 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
25 NOTICED that the time within which judicial review of the administrative determinations made
26 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
27 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
28 Section 1094.6.

1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structures (dwelling and shed) on THE
3 PROPERTY be abated by the OWNER, specifically Juventino Sotelo, or anyone having possession
4 or control of THE PROPERTY, by razing and removing the substandard structures including the
5 removal and disposal of all structural debris and materials, as well as the contents therein, or by
6 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation
7 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
8 limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing
9 of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the substandard structures (dwelling and shed) are not
11 razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all
12 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
13 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
14 structures, contents therein, and structural debris and materials, may be abated and disposed of by
15 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's
16 Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable
17 law authorizing entry onto THE PROPERTY.

18 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
19 asbestos containing materials in said structures by survey and materials sample testing by a duly
20 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
21 the removal of all asbestos containing materials discovered through such survey and testing by
22 contract with a duly certified and licensed contractor for the handling of such materials to avoid
23 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

24 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
25 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of
26 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
27 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
28 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the

1 posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
3 storage of materials is not removed and disposed of in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
5 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
6 outside storage of materials may be abated and disposed of by representatives of the Riverside
7 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
8 owner's consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
13 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
14 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
15 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
16 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

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