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

615B



FROM: County Counsel/TLMA

Code Enforcement Department

**SUBJECT:** Order to Abate [Accumulated Rubbish]

Case No. CV11-02842 [MARTINEZ, LIGHT, MANZO, REDBOURN, DRAPKIN] Subject Property: 1 Parcel North of 33900 Brent Lane, Nuevo; APN 427-350-011

District: 5/5 [\$0.00]

#### **RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-02842;

2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-02842; and

3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-02842.

#### **BACKGROUND:**

Summary

On April 22, 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 owners to abate the violative conditions on the property and

(Continued)

L ALEXANDRA FONG Deputy County Counsel

POLICY/CONSENT

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)	
COST	\$	\$	\$	\$	Consent D Policy □	
NET COUNTY COST	\$	\$	\$	\$	Consent Policy	
SOURCE OF FUNDS:				Budget Ad	justment:	
				For Fisca	Year:	

C.E.O. RECOMMENDATION:

**APPROVE** 

**County Executive Office Signature** 

MINUTES OF THE BOARD OF SUPERVISORS

District: 5/5

Change Order	i.	
ote	9414 July 23 Att 7:59	
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	Prev. Agn. Ref.: 04/22/14; 9	)
	4/5 Vote	4/5 Vote

2-21 Agenda Number:

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

**FORM 11:** Order to Abate [Accumulated Rubbish]

Case No. CV11-02842 [MARTINEZ, LIGHT, MANZO, REDBOURN, DRAPKIN] Subject Property: 1 Parcel North of 33900 Brent Lane, Nuevo; APN: 427-350-011

District: 5/5 [\$0.00]

DATE:

**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

T)	
1	RECORDING REQUESTED BY:
2	Kecia Harper-Ihem, Clerk of the Board of Supervisors
3	(Stop #1010)
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	Triverside, Cri 72501
9	BOARD OF SUPERVISORS COUNTY OF RIVERSIDE
10	
11	IN RE ABATEMENT OF PUBLIC NUISANCE: () CASE NO. CV 11-02842 [ACCUMULATION OF RUBBISH]; ()
12 _	APN 427-350-011, 1 PARCEL NORTH OF 33900 ) FINDINGS OF FACT, BRENT LANE, NUEVO, RIVERSIDE COUNTY, CONCLUSIONS AND ORDER TO
13	CALIFORNIA; GLADYS MARTINEZ, ABATE NUISANCE REVOCABLE TRUST OF LESLIE W. LIGHT
14	AND RUTH LIGHT AS TRUSTEES, ENRIQUE ) R.C.O. Nos. 541 and 725 MANZO, TOVA REDBOURN, ALAN )
15	REDBOURN, AND PAUL DRAPKIN, TRUSTEE, ) OWNERS.
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17	
18	The above-captioned matter came on regularly for hearing on April 22, 2014, before the
19	Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20	Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21	property described as 1 Parcel North of 33900 Brent Lane, Nuevo, Riverside County, and further
22	described as Assessor's Parcel Number 427-350-011 referred to hereinafter as "THE PROPERTY."
23	L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Code
24	Enforcement Officer, on behalf of the Director of the Code Enforcement Department.
25	Owners did not appear.
26	The Board of Supervisors received the Declaration of Code Enforcement Officer together
27	with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
28	nuisance and violation of Riverside County Ordinance No. 541.

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### **SUMMARY OF EVIDENCE**

- Documents of record in the Riverside County Recorder's Office identify the 1. OWNERS of THE PROPERTY as Gladys Martinez, Revocable Trust of Leslie W. Light and Ruth Light as Trustees, Enrique Manzo, Tova Redbourn, Alan Redbourn, and Paul Drapkin, Trustee of the Paul Drapkin Revocable Trust dated February 24, 2011 ("OWNERS").
- Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to wit: Valley Deed Trust Services, Inc. ("INTERESTED PARTY").
- THE PROPERTY was inspected by Code Enforcement Officers on March 23, 2011, 3. and on eleven other occasions, the last being April 15, 2014.
- During each inspection, an accumulation of rubbish was observed on THE 4. PROPERTY. The rubbish consisted of, but was not limited to: a dismantled mobilehome, tires, green waste, scrap wood, scrap metal, discarded furniture, mattress, chain link fencing materials and miscellaneous trash and debris in excess of 1275 square feet.
- THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 by the Code Enforcement Officer.
- A Notice of Pendency of Administrative Proceedings was recorded in the Office of 6. the County Recorder, County of Riverside, State of California on September 2, 2011, as instrument number 2011-0394042.
- 7. On April 15, 2011, Notice of Violation was posted on THE PROPERTY. On August 17, 2011, Notice of Violation was mailed to OWNERS by certified mail with return receipt requested. On December 18, 2013, a Notice of Violation was mailed to OWNERS and INTERESTED PARTY by first class mail.
- A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" 8. providing notice of the public hearing before the Board of Supervisors on April 22, 2014, was mailed to OWNERS and INTERESTED PARTY and was posted on THE PROPERTY.

## FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 22, 2014, finds and concludes that:

- 1. WHEREAS, the accumulation of rubbish on the real property located at 1 Parcel North of 33900 Brent Lane, Nuevo, Riverside County, California, also identified as Assessor's Parcel Number 427-350-011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.
- 2. WHEREAS, the OWNERS, or any person having possession or control of the premises shall abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.
- 3. WHEREAS, the OWNERS AND INTERESTED PARTY ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order to Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

## ORDER TO ABATE NUISANCE

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

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

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

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County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
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     costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
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     County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
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     collection and administrative costs, attorneys fees, and the costs associated with the removal or
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     correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
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FINDINGS OF FACT, CONCLUSIONS

AND ORDER TO ABATE NUISANCE

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.					
3						
4	Dated: COUNTY OF RIVERSIDE					
5	By					
6	Jeff Stone Chairman, Board of Supervisors					
7	ATTEST:					
8	KECIA HARPER-IHEM					
9	Clerk to the Board					
10 11						
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13	Ву					
14	Deputy					
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16	(SEAL)					
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FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

BY: CHAPPROVED COUNTY COUNSEL

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