

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

304B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 17, 2015

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-03321 [VALENZUELA]
Subject Property: 41235 Crest Drive, Hemet
APN: 450-060-017
District: 3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03321;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03321; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03321.

BACKGROUND:

Summary

On June 2, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative
(Continued)

GREGORY P. PRIAMOS
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

Departmental Concurrence

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV14-03321 [VALENZUELA]

Subject Property: 41235 Crest Drive, Hemet

APN: 450-060-017

District: 3 [\$0.00]

DATE: June 17, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

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

[EXEMPT GC §§ 6103 and 27383]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-03321
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];)
13 APN 450-060-017, 41235 CREST DRIVE,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 BENJAMIN VALENZUELA, OWNER.) ABATE NUISANCE
15) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on June 2, 2015, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 41235 Crest Drive, Hemet, Riverside County, Assessor's Parcel Number 450-060-017 and
21 referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior 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 excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
28 a public nuisance.

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Cal Western Reconveyance, LLC, a California Limited Liability
6 Company, Wells Fargo Bank, N.A., Mortgage Electronic Registration Systems, Inc., acting as
7 nominee for Metropolitan Home Mortgage, Inc., and tenant Kevon Lai (hereinafter referred to as
8 “INTERESTED PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on September 23,
10 2014, and on six (6) additional occasions, the last being May 26, 2015.

11 4. During each inspection an accumulation of rubbish and excess outside storage was
12 observed throughout THE PROPERTY consisting of but not limited to: furniture, appliances,
13 fencing, building supplies, green waste, household trash, carpet, wood, cabinets, mirrors, barbecues,
14 racks, shelving, trailers, ladders, cinder blocks, kennels, bicycles, vacuums, hand trucks, electronics,
15 canisters and miscellaneous items in excess of 2,000 square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 and 541 by the Code Enforcement Officer.

18 6. On December 3, 2014, Notice of Pendency of Administrative Proceedings was
19 recorded at the Riverside County Recorder’s Office as instrument number 2014-0462044.

20 7. On September 25, 2014, a Notice of Violation was mailed to OWNER by first class
21 mail and was posted on THE PROPERTY on September 26, 2014. On October 16, 2014, a Notice
22 of Violation was mailed to INTERESTED PARTIES by first class mail.

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

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on June 2, 2015, finds and concludes that:

1 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
2 on the real property located at 41235 Crest Drive, Hemet, Riverside County, California, also
3 identified as Assessor's Parcel Number 450-060-017 violates Riverside County Ordinance Nos. 348
4 and 541 and constitutes a public nuisance.

5 2. WHEREAS, the OWNER, occupants and any other person having possession or
6 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
7 materials by removing and disposing of all rubbish and excessive outside storage in excess of two
8 hundred (200) square feet on THE PROPERTY in strict accordance with all Riverside County
9 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
10 (90) days.

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
18 on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE
19 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials in
20 excess of two hundred (200) square feet on THE PROPERTY in strict accordance with all Riverside
21 County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541,
22 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
24 storage of materials is not removed and disposed of in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
26 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
27 outside storage of materials may be abated and disposed of by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order when necessary under applicable law.

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

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

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4 Dated: _____

COUNTY OF RIVERSIDE

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By _____

6

Marion Ashley
Chairman, Board of Supervisors

7

8

ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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CV14-03321

41235 Crest Drive, Hemet APN: 450-060-017



- Legend**
- RCLIS Parcels
 - TBM Page
 - TBM Grid
 - City Boundaries
 - Cities

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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Notes
Thomas Bros. 841
Grid D3