

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

714B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
November 17, 2010

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV 10-02236 (VALENZUELA)  
Subject Property: 83115 Rue Paray, Thermal; APN: 767-434-005  
District: 4

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02236 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 10-02236; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02236.

(Continued)

\_\_\_\_\_  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
\_\_\_\_\_  
Jennifer L. Sargent  
**County Executive Office Signature**

- Consent
- Policy
- Consent
- Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: November 30, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Dept Recomm.:  
Per Exec. Ofc.:

2.11

Abatement of Public Nuisance  
Case No. CV 10-02236 (VALENZUELA)  
83115 Rue Paray, Thermal  
Page 2

**BACKGROUND:**

On October 19, 2010, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structure (dwelling) and accumulated rubbish 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.

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



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W.C. [Signature]						T:	CTY	UNI	513

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4  
5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
County of Riverside  
7 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Fifth Floor (Stop #1350)  
8 Riverside, CA 92501

[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-02236  
12 [SUBSTANDARD STRUCTURE AND )  
13 ACCUMULATION OF RUBBISH]; APN 767-434- ) FINDINGS OF FACT,  
14 005, 83115 RUE PARAY, THERMAL, ) CONCLUSIONS AND ORDER TO  
15 RIVERSIDE COUNTY, CALIFORNIA; JOSE ) ABATE NUISANCE  
LUIS VALENZUELA, OWNER. )  
) [R.C.O. Nos. 457 (RCC Title 15), 541  
) (RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on October 19, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described 83115 Rue Paray, Thermal, Riverside County, Assessor's Parcel Number 767-  
20 434-005 and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE  
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)  
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

28 ///

2010-12-104540

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Jose Luis Valenzuela ("OWNER").

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Countrywide Home Loans, Inc. George Brautigan and Recontrust Company  
6 (collectively referred to as "INTERESTED PARTIES").

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on March 19, 2010,  
8 April 27, 2010, May 4, 2010, July 6, 2010 and September 16, 2010.

9           4.       During each inspection, a substandard structure (dwelling) was observed on THE  
10 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure  
11 contained numerous deficiencies, including but not limited to: hazardous wiring; defective or  
12 deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or other  
13 horizontal members which sag, split or buckle due to defective material or deterioration; faulty  
14 weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

15           5.       During each inspection an accumulation of rubbish was observed throughout THE  
16 PROPERTY consisting of but not limited to: household trash, tires, scrap metal and furniture.

17           6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

19           7.       A Notice of Noncompliance was recorded on April 29, 2010, as Document Number  
20 2010-0197115 in the Office of the County Recorder, County of Riverside.

21           8.       On March 19, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not  
22 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On March 26, 2010 and May  
23 10, 2010, Notices of Violation for the substandard structure and accumulation of rubbish were mailed  
24 to OWNER and on May 10, 2010 were mailed to INTERESTED PARTIES by certified mail, return  
25 receipt requested.

26           9.       On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October  
28 19, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED



1 PARTIES and was posted on THE PROPERTY on September 16, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on October 19, 2010, finds and concludes that:

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
6 real property located at 83115 Rue Paray, Thermal, Riverside County, California, also identified as  
7 Assessor's Parcel Number 767-434-005 violates Riverside County Ordinance Nos. 457 (RCC Chapter  
8 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

15 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
16 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of all  
17 rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances, including  
18 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE  
26 PROPERTY be abated by the OWNER, Jose Luis Valenzuela, or anyone having possession or  
27 control of THE PROPERTY, by razing and removing the substandard structure including the removal  
28 and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction

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1 and rehabilitation of said structure provided such reconstruction and rehabilitation can be  
2 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to  
3 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order  
4 to Abate Nuisance.

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

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

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
20 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
21 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)  
23 within ninety (90) days of the date of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

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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. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
7 expenses reasonably related to the abatement of conditions which violate County Land Use  
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
11 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety  
12 (90) days of the date of this Order to Abate Nuisance.

13  
14 Dated: November 30, 2010

COUNTY OF RIVERSIDE

15  
16 By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

17 ATTEST:  
18 KECIA HARPER-IHEM  
19 Clerk to the Board

20  
21 By Karen Fujita  
22 Deputy  
23 (SEAL)  
24

FORM APPROVED COUNTY COUNSEL  
BY: Alexandra Fong DATE: 11/30/10  
ALEXANDRA FONG



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LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

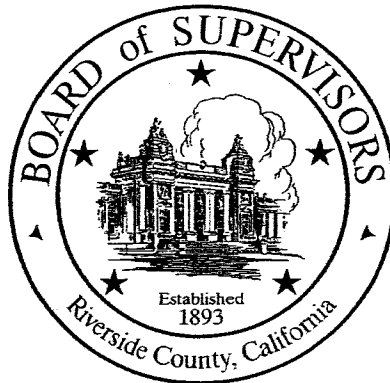
<http://riverside.asrcrkrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date: 11-30-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board





## NOTICE LIST

Subject Property: 83115 Rue Paray, Thermal  
Case No.: CV 10-02236 APN: 767-434-005; District 4

JOSE LUIS VALENZUELA  
83115 RUE PARAY  
THERMAL, CA 92274

COUNTRYWIDE HOME LOANS, INC.  
4500 PARK GRANADA  
MSN#SVB-314  
CALABASAS, CA 91302

RECONTRUST COMPANY  
1757 TAPO CANYON ROAD  
SVW-88  
SIMI VALLEY, CA 93063

GEORGE BRAUTIGAN  
1240 WEST 102<sup>ND</sup> ST., APT. 13-A  
LOS ANGELES, CA 90044

**PROOF OF SERVICE**

Case No. CV10-02236

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on October 20, 2011, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

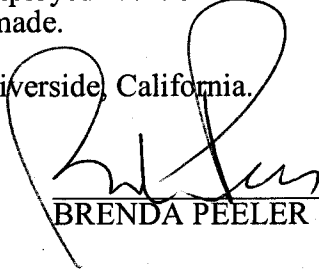
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

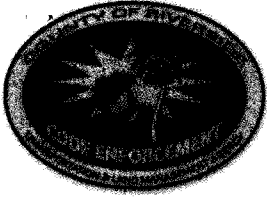
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON October 20, 2011, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

October 21, 2011

RE CASE NO: CV1002236

I, George Eliseo, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 38686 El Cerrito Road, Suite 200, Palm Desert, California 92211 .

That on 10/21/2011 at 10:00 AM, I securely and conspicuously posted Findings of Facts at the property described as:


**Property Address:** 83115 RUE PARAY, THERMAL

**Assessor's Parcel Number:** 767-434-005

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on October 21, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: George Eliseo, Code Enforcement Officer