

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

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 08-04384 [GETTMAN]
Subject Property: 44120 Acacia Ave., Hemet; APN: 549-200-011
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04384 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 08-04384; 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 08-04384.

Departmental Concurrence

(Continued)

L. Alexandra Fong

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

FINANCIAL DATA	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

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

C.E.O. RECOMMENDATION:

APPROVE
BY: *Tina Grande*

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: March 15, 2011
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Dept's Recomm.:
Per Exec. Ofc.:

2.14

Abatement of Public Nuisance
Case No.: CV08-04384 [GETTMAN]
44120 Acacia Ave., Hemet
District Three
Page 2

BACKGROUND:

On February 8, 2011, 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 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 directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

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 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

DOC # 2011-0120121
03/17/2011

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

[EXEMPT'6103]

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-04384
12 [ACCUMULATION OF RUBBISH]; APN 549-)
13 200-011, 44120 ACACIA AVE., HEMET,) FINDINGS OF FACT,
14 COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; DONALD W. GETTMAN AND) ABATE NUISANCE
16 SUSAN A. GETTMAN, OWNERS.)
17 [R.C.O. Nos. 541 (RCC Chapter 8.120)
18 and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on February 8, 2011, 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 as 44120 Acacia Ave., Hemet, Riverside County, and further described as
20 Assessor's Parcel Number 549-200-011 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear and did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Donald W. Gettman and Susan A. Gettman ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: James H. Carter and Audrey Carter, Internal Revenue Service and Lake Hemet
6 Municipal Water District ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 28, 2008,
8 July 17, 2008, December 1, 2008, December 23, 2008, January 7, 2009, March 12, 2009, April 3,
9 2009, April 16, 2009, April 30, 2009, August 12, 2009, October 16, 2009, October 31, 2009, July 28,
10 2010, September 22, 2010, November 29, 2010, January 20, 2011 and February 3, 2011.

11 4. During each inspection, an accumulation of rubbish was observed on THE
12 PROPERTY. The rubbish consisted of, but was not limited to: tires, household trash, wood scraps,
13 plastic buckets, metal and dried cut vegetation.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
17 County of Riverside, State of California on August 13, 2010, as instrument number 2010-0381724.

18 7. On May 28, 2008, a Notice of Violation was posted on THE PROPERTY. On June
19 20, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS.
20 On August 25, 2010, a Notice of Violation was mailed by certified mail return receipt requested to
21 INTERESTED PARTIES.

22 8. On January 19, 2011, a "Notice to Correct County Ordinance Violations and
23 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
24 February 8, 2011 was mailed by certified mail, return receipt requested, to the OWNERS and
25 INTERESTED PARTIES and posted on THE PROPERTY on January 20, 2011.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on February 8, 2011, finds and concludes that:

1 1. WHEREAS, the accumulation of rubbish on the real property located at 44120 Acacia
2 Ave., Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-200-011
3 violates Riverside County Ordinance No. 541 and constitutes a public nuisance. WHEREAS, the
4 OWNERS, or any person having possession or control of THE PROPERTY shall abate the condition
5 by removing and disposing all accumulated rubbish from the subject real property in strict accordance
6 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
7 541 (RCC Chapter 8.120) within ninety (90) days.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
15 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
16 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
17 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
18 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
3 collection and administrative costs, attorneys fees, and the costs associated with the removal or
4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
6 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: March 15, 2011

COUNTY OF RIVERSIDE

By Bob Buster
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Ogden
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 3/3/11 DATE

L:\Code Enforcement\Abatements\2010\2008\CV08-04384\541 FOF.DOC



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

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

<http://riverside.asrclrec.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:

3-15-11

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

PROOF OF SERVICE

Case No. CV08-04384

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 March 31, 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 CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** 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 March 31, 2011, at Riverside, California.


BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

April 6, 2011

RE CASE NO: CV0804384

I, Ariana Meza, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 04/05/2011 at 2:35pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order To Abate Nuisance, Proof of Service and Notice List at the property described as:


Property Address: 44120 ACACIA AVE, HEMET

Assessor's Parcel Number: 549-200-011

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

Executed on April 6, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  Code Enforcement Technician

NOTICE LIST

Subject Property: 44120 Acacia Avenue, Hemet
 Case No.: CV 08-04384 APN: 549-200-011; District 3

DONALD W. GETTMAN
 SUSAN A. GETTMAN
 44120 ACACIA AVENUE
 HEMET, CA 92544

JAMES H. CARTER
 AUDREY CARTER
 41141 GIBBEL ROAD
 HEMET, CA 92343

INTERNAL REVENUE SERVICE
 24000 AVILA RD, MAIL STOP 5910
 LAGUNA NIGEL, CA 92677

LAKE HEMET MUNICIPAL WATER DISTRICT
 PO BOX 5039
 HEMET, CA 92544

DONALD W. GETTMAN
 SUSAN A. GETTMAN
 42156 BANCROFT WAY
 HEMET, CA 92544

SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	
1. Article Addressed to: LAKE HEMET MUNICIPAL WATER DISTRICT PO BOX 5039 HEMET CA 92544	
2. Article Number (Transfer from service label) PS Form 3811, February 2004	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> C.O.D. <input type="checkbox"/> Return Receipt for Merchandise	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 4-5-19 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	
1. Article Addressed to: INTERNAL REVENUE SERVICE 24000 AVILA RD, MAIL STOP 5910 LAGUNA NIGEL CA 92677	
2. Article Number (Transfer from service label) PS Form 3811, February 2004	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
COMPLETE THIS SECTION ON DELIVERY A. Signature X <i>MD</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 4/4	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) PS Form 3811, February 2004	
Domestic Return Receipt 102595-02-M-1540	

NOTICE LIST

Subject Property: 44120 Acacia Avenue, Hemet
Case No.: CV 08-04384 APN: 549-200-011; District 3

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 3644

DONALD W GETTMAN
SUSAN A GETTMAN
42156 BANCROFT
HEMET CA 921

Handwritten initials: DW, SA, MK

9250136423

BC: 9250136423 *1004-00521-01-45



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0003958246 MAR 31 2011
MAILED FROM ZIP CODE 92501
\$ 005.710

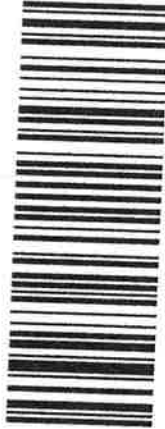
NIXIE 929 DE 1 00 04/21/11
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

NOTICE LIST

Subject Property: 44120 Acacia Avenue, Hemet
Case No.: CV 08-04384 APN: 549-200-011; District 3

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 3613

DONALD W GETTMAN
SUSAN A. GETTMAN
44120 ACACIA AVENUE
HEMET CA 92501



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0003958246 MAR 31 2011
MAILED FROM ZIP CODE 92501
\$ 005.710

Notified
4/17/11

NIXIE

929 DE 1

00 04/21/11

RETURN TO SENDER
UNCLAIMED
FORWARD

BC: 92501364425

*1004-01494-01-37

92501364425



Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL



7010 1670 0001 7232 3675

JAMES H CARTER
AUDREY CARTER
41141 GIBBEL ROAD
HEMET CA

Handwritten: JH

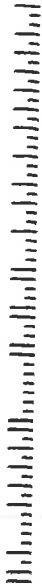
NIXIE

929 DC 1 00 04/07/11

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 92501364425 *1977-04467-07-35

925013644



NOTICE LIST

Subject Property: 44120 Acacia Avenue, Hemet
Case No.: CV 08-04384 APN: 549-200-011; District 3