

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

507B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-12550 [KRUSE]
Subject Property: 55200 Hatton Pl., Whitewater; APN: 517-101-011
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12550 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 09-12550; 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 09-12550.

(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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: May 10, 2011
xc: Co.Co.(3); Recorder - S 6/17/13

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*
Deputy

Departmental Concurrence

☒ Consent ☐ Policy
☒ Consent ☐ Policy

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

Abatement of Public Nuisance
Case No.: CV09-12550 [KRUSE]
55200 Hatton Pl., Whitewater
APN# 517-101-011
District Five
Page 2

BACKGROUND:

On April 12, 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)

DOC # 2011-0207681
05/11/2011

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

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

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-12550
14 [ACCUMULATION OF RUBBISH]; APN 517-)
15 101-011, 55200 HATTON PL., WHITEWATER,) FINDINGS OF FACT,
16 COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
17 CALIFORNIA; DOUGLAS J. KRUSE AND) ABATE NUISANCE
18 YVONNE S. KRUSE, OWNERS.)
19) [R.C.O. Nos. 541 (RCC Chapter 8.120)
20) and 725 (RCC Title 1)]

21 The above-captioned matter came on regularly for hearing on April 12, 2011, before the
22 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
23 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
24 property described as 55200 Hatton Pl., Whitewater, Riverside County, and further described as
25 Assessor's Parcel Number 517-101-011 referred to hereinafter as "THE PROPERTY."

26 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising
27 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 No one appeared on behalf of the Owner.

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

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COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Douglas J. Kruse and Yvonne S. Kruse ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Arnold L. Veldkamp/Superior Ready Mix Concrete and Mission Springs Water
6 District ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 2,
8 2009, January 8, 2010, April 22, 2010, May 21, 2010, August 10, 2010, August 18, 2010, October
9 26, 2010, December 2, 2010, December 29, 2010, March 29, 2011 and April 8, 2011.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: wood pallets, empty cement bags, cut
12 up metal, plastic bags and other household trash.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on September 3, 2010, as instrument number 2010-0425871.

17 7. On December 2, 2009 and August 18, 2010, Notices of Violation were posted on
18 THE PROPERTY. On December 9, 2009, a Notice of Violation was mailed via certified mail with
19 return receipt requested to OWNERS and Occupant. On August 18, 2010, a Notice of Violation was
20 mailed to OWNERS via certified mail with return receipt requested.

21 8. On March 28, 2011, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on April 12,
23 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED
24 PARTIES and posted on THE PROPERTY on March 29, 2011.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on April 12, 2011, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 55200 Hatton

1 Pl., Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-101-
2 011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, the OWNERS, or any person having possession or control of the
4 premises shall abate the condition by removing and disposing all accumulated rubbish from the subject
5 real property in strict accordance with all Riverside County Ordinances, including but not limited to
6 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

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

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

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

FORM APPROVED COUNTY COUNSEL
BY: MA FONG DATE 5/25/11
BY: L. ALEXANDRA FONG

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

6
7 Dated: May 10, 2011

COUNTY OF RIVERSIDE

8
9 By Bob Buster
Bob Buster
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

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15 By Karenington
16 Deputy

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18 (SEAL)

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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

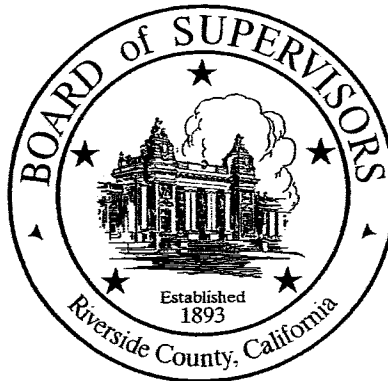
<http://riverside.asrclrec.com>

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:

5-10-11

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

June 1, 2011

RE CASE NO: CV0912550

I, Pedro Hernandez, hereby declare:

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

That on 06/01/2011 at 10:48 AM, I securely and conspicuously posted Finding of facts, Conclusions, and order to Abate at the property described as:

Property Address: 55200 HATTON PL, WHITEWATER

Assessor's Parcel Number: 517-101-011

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

Executed on June 1, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  _____
Pedro Hernandez, Code Enforcement Officer

PROOF OF SERVICE

Case No. CV09-12550

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, LaKesha Covington, 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 May 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 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 MAY 31, 2011, at Riverside, California.


LAKESHA COVINGTON