

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

604B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 20 2011

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV07-9192, CV10-01209 & CV10-01283 [FALSKEN]
Subject Property: 33901 Stagecoach Rd., Nuevo; APN: 429-070-007
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV07-9192, CV10-01209 & CV10-01283 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 Nos. CV07-9192, CV10-01209 & CV10-01283; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV07-9192, CV10-01209 & CV10-01283

(Continued)

PATRICIA MUNROE, 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: for Tim Grande
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: November 1, 2011
xc: Co. Co. 3; Recorder

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

2.8

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent
 Policy
 Consent
 Policy

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

Abatement of Public Nuisance

Case Nos.: CV CV07-9192, CV10-01209 & CV10-01283 [FALSKEN]

33901 Stagecoach Rd., Nuevo

APN#429-070-007

District 5

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BACKGROUND:

On October 4, 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 four (4) substandard structures (mobilehome on permanent foundation, shed, house and garage) 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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

DOC # 2011-0486665
11/02/2011 03:32P Fee:NC
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Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NOS. CV 07-9192,
12 [SUBSTANDARD STRUCTURES AND)	CV 10-01209 and
13 ACCUMULATION OF RUBBISH]; APN 429-070-)	CV 10-01283
14 007, 33901 STAGECOACH RD., NUEVO,)	
15 RIVERSIDE COUNTY, CALIFORNIA; DENNIS)	FINDINGS OF FACT,
16 FALSKEN AND CYNTHIA M. FALSKEN,)	CONCLUSIONS AND ORDER TO
OWNERS.)	ABATE NUISANCE
)	
)	R.C.O. Nos. 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on October 4, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 33901 Stagecoach Road, Nuevo, Assessor's Parcel Number 429-070-007 and
21 referred to hereinafter as "THE PROPERTY."

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

24 Owners appeared but did not address the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the four (4) substandard structures and accumulation of rubbish
27 on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
28 nuisance.

2011-11-110464

SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder’s Office identify the owners of THE PROPERTY as Dennis Falsken and Cynthia M. Falsken (“OWNERS”).

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Salvador De La Pena, Patricia De La Pena, Major Anderson I, Catherine Anderson, Washington Mutual Bank and Eastern Municipal Water District (hereinafter collectively referred to as “INTERESTED PARTIES”).

3. THE PROPERTY was inspected by Code Enforcement Officers on February 16, 2010, February 19, 2010, April 27, 2010, May 12, 2010, June 18, 2010, July 20, 2010, January 5, 2011, February 28, 2011 and October 3, 2011.

4. During each inspection, four (4) substandard structures (mobilehome on permanent foundation, shed, house and garage) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials or deterioration; dampness of habitable rooms; faulty weather protection - deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall covering; general dilapidation or improper maintenance; and public and attractive nuisance – abandoned/vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: large and dead fallen trees, discarded lumber, and plywood, discarded household items, toilet, shoes, clothing, toys, tarp, roofing and tires.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 and 541 by the Code Enforcement Officer.

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1 of the substandard structures, including the removal and disposal of all structural debris and
2 materials, and contents therein or by reconstruction and rehabilitation of said structures provided that
3 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
5 days.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structures (mobilehome on permanent
17 foundation, shed, house and garage) on THE PROPERTY be abated by the OWNERS, Dennis
18 Falsken and Cynthia M. Falsken, or anyone having possession or control of THE PROPERTY, by
19 razing and removing the substandard structures including the removal and disposal of all structural
20 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
21 structures provided such reconstruction and rehabilitation can be accomplished in strict accordance
22 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
23 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
26 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
27 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
28 therein, and structural debris and materials, may be abated by representatives of the Riverside County

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1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
3 PROPERTY.

4 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
5 asbestos containing materials in said structures by survey and materials sample testing by a duly
6 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
7 the removal of all asbestos containing materials discovered through such survey and testing by
8 contract with a duly certified and licensed contractor for the handling of such materials to avoid
9 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

15 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
16 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
17 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
18 accumulation of rubbish may be abated by representatives of the Riverside County Code
19 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
20 consent or a Court Order when necessary under applicable law.

21 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
22 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
23 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
24 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
25 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
26 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
27 collection and administrative costs, attorneys fees, and the costs associated with the removal or
28 correction of the

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1 violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from the OWNERS even if THE PROPERTY is brought into compliance within ninety
3 (90) days of the date of this Order to Abate Nuisance.

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Dated: November 1, 2011

COUNTY OF RIVERSIDE

By *Bob Buster*
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By *Karen Bunker*
Deputy
(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:

11-1-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 33901 Stagecoach Rd., Nuevo
Case No.: CV 07-9192, CV 10-01209 & CV 10-01283;
APN: 429-070-007; District Five

DENNIS FALSKEN
CYNTHIA FALSKEN
33901 STAGECOACH RD
NUEVO CA 92567

DENNIS FALSKEN
CYNTHIA FALSKEN
2367 BUCKBOARD LN
NORCO CA 92860

DENNIS FALSKEN
CYNTHIA FALSKEN
PO BOX 67
NORCO CA 92860

WASHINGTON MUTUAL BANK
400 E MAIN ST
STOCKTON CA 95290

SALVADOR & PATRICIA DE LA PENA
MAJOR & CATHERINE ANDERSON
16134 CYPRESS ST
COVINA CA 91422

WASHINGTON MUTUAL/TICOR TITLE NLS
1111 E KATELLA AVE
STE 110
ORANGE CA 92867

EASTERN MUNICIPAL WATER DISTRICT
ATTN RHONDA SCHAFFER
2270 TRUMBLE ROAD
PO BOX 8300
PERRIS CA 92572-8300

PROOF OF SERVICE

Case Nos. CV07-9192, CV10-01209 & CV10-01283

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 November 23, 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 November 23, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 30, 2011

RE CASE NO: CV079192

I, Lori Lyon, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557.

That on 11/29/11 at 9:30am, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

Property Address: 33901 STAGECOACH RD, NUEVO

Assessor's Parcel Number: 429-070-007

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

Executed on November 30, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Lori Lyon, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 30, 2011

RE CASE NO: CV1001209

I, Lori Lyon, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 11/29/11 at 9:30am, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

Property Address: 33901 STAGECOACH RD, NUEVO

Assessor's Parcel Number: 429-070-007

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

Executed on November 30, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Lori Lyon, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 30, 2011

RE CASE NO: CV1001283

I, Lori Lyon, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 11/29/11 at 9:30am, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

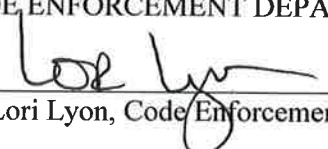
Property Address: 33901 STAGECOACH RD, NUEVO

Assessor's Parcel Number: 429-070-007

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

Executed on November 30, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Lori Lyon, Code Enforcement Officer