

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

614B



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


**SUBMITTAL DATE:**  
July 19, 2012

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 10-02884 [GONZALEZ]  
Subject Property: 49869 W. Carmen Avenue, Cabazon; APN: 519-424-001  
District: Five/Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02884 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 10-02884; 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 10-02884.

(Continued)

  
PATRICIA MUNROE, 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:

  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Tavaglione, Benoit and Ashley  
Nays: None  
Absent: Stone  
Date: August 28, 2012  
xc: Co.Co.; Recorder

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

2.19

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent     Policy  
 Consent     Policy

Dept't Recomm.:  
 Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No.: CV 10-02884 [GONZALEZ]  
49869 W. Carmen Avenue, Cabazon  
APN#519-424-001  
District Five/Five  
Page 2

**BACKGROUND:**

On June 5, 2012, 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)

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 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

[EXEMPT GC §§ 6103 and 27383]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-02884  
14 [ACCUMULATION OF RUBBISH]; )  
15 APN 519-424-001, 49869 W. CARMEN AVENUE,) FINDINGS OF FACT,  
16 CABAZON, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
17 CALIFORNIA; GUSTAVO B. GONZALEZ AND ) ABATE NUISANCE  
18 LORNA L. GONZALEZ, OWNERS. )  
19 ) R.C.O. Nos. 541 and 725  
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29 The above-captioned matter came on regularly for hearing on June 5, 2012, before the Board  
30 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
31 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
32 described as 49869 W. Carmen Avenue, Cabazon, Riverside County, and further described as  
33 Assessor's Parcel Number 519-424-001 referred to hereinafter as "THE PROPERTY."

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

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

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the  
3 OWNERS of THE PROPERTY as Gustavo B. Gonzalez and Lorna L. Gonzalez ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: World Savings Bank, FSB, Golden West Savings Association Service, Co., and  
6 State of California Franchise Tax Board.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 12, 2011,  
8 July 11, 2011, August 30, 2011, October 19, 2011, December 12, 2011 and April 16, 2012.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: numerous tires, sofa, wood, plastics,  
11 scrap metal and other miscellaneous debris.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
13 No. 541 by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
15 County of Riverside, State of California on August 17, 2011, as instrument number 2011-0362987.

16 7. On April 12, 2011, Notice of Violation was posted on THE PROPERTY. On April  
17 20, 2011, Notice of Violation was mailed to OWNERS and on September 15, 2011 was mailed to  
18 OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

19 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
20 providing notice of the public hearing before the Board of Supervisors on June 5, 2012, was mailed  
21 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
24 regular session assembled on June 5, 2012, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 49869 W.  
26 Carmen Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number  
27 519-424-001 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, the OWNERS, or any person having possession or control of the

1 premises shall abate the condition by removing and disposing all accumulated rubbish from the  
2 subject real property in strict accordance with all Riverside County Ordinances, including but not  
3 limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

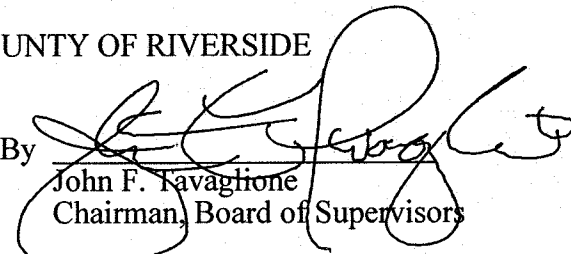
20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
23 County Ordinance Nos.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

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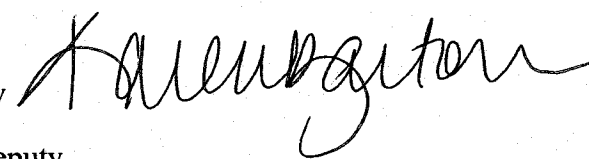
1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3  
4 Dated: August 28, 2012

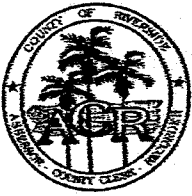
COUNTY OF RIVERSIDE

By   
John F. Favaglione  
Chairman, Board of Supervisors

7 ATTEST:  
8  
9 KECIA HARPER-IHEM  
10 Clerk to the Board

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12 By   
13 Deputy

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15 (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

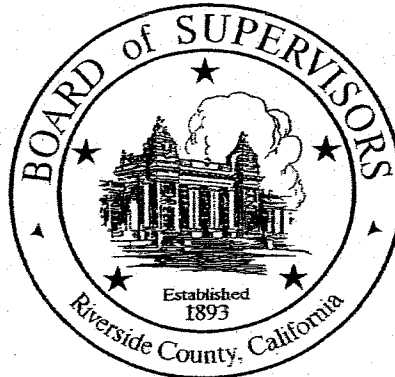
<http://riverside.asrcrkrec.com>

**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:

8-28-12

Signature:

Karen Barton

Print Name:

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

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Martin Sanderson

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Cabazon **Zip:** 92230

**Phone #:** (951) 922-1880

**Date:** 8/28/12 **Agenda #** 219

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**     **Oppose**     **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**     **Oppose**     **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_



**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Carla Baer

**Address:** 51847 Ida ave  
(only if follow-up mail response requested)

**City:** Cabazon **Zip:** 92230

**Phone #:** 951-769-5030

**Date:** 8/28/12 **Agenda #** 2:19

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**      **Oppose**      **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**      **Oppose**      **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_