

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

104B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 6, 2014

SUBJECT: Order to Abate [Accumulated Rubbish]; Case No. CV12-05595 [BAC HOME LOANS]
Subject Property: 33649 El Centro Ave., Hemet; APN: 458-225-005
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05595.

BACKGROUND:

Summary

On December 3, 2013, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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.

LISA TRACZYK
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 28, 2014
xc: [unclear] Co. Clk/Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 12/03/13; 9.4

District: 3/3

Agenda Number:

2-10

Departmental Concurrence

☐ A-30
☐ Positions Added
☐ 4/5 Vote
☐ Change Order

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

DOC # 2014-0038248
01/29/2014

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/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 12-05595
14 [ACCUMULATION OF RUBBISH];)
15 APN 458-225-005, 33649 EL CENTRO AVE.,) FINDINGS OF FACT,
16 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
17 BAC HOME LOANS SERVICING, L.P., OWNER.) ABATE NUISANCE
18)
19) R.C.O. Nos. 541 and 725
20)
21)
22)
23)
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27)
28)

17 The above-captioned matter came on regularly for hearing on December 3, 2013, 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 33649 El Centro Ave., Hemet, Riverside County, and further described as
21 Assessor's Parcel Number 458-225-005 referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of Code Enforcement Officer together
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 541.
28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as BAC Home Loans Servicing, L.P. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Warren W. Markel, Sr., Martha L. Markel, and NDEX West, LLC (hereinafter
6 referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 17, 2012,
8 October 30, 2012, November 13, 2012, February 20, 2013, March 6, 2013, April 25, 2013,
9 September 5, 2013, and November 22, 2013.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: plastic containers, tires, wood, metal,
12 debris, a trailer, broken furniture and miscellaneous items measuring approximately five hundred
13 (500) square feet.

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

16 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
17 the County Recorder, County of Riverside, State of California on December 4, 2012, as instrument
18 number 2012-0586882.

19 7. On October 17, 2012, a Notice of Violation was posted on THE PROPERTY. On
20 October 18, 2012, a Notice of Violation was mailed to OWNER by first class mail. On May 1, 2013
21 and September 5, 2013, a Notice of Violation was mailed to OWNER by certified mail with return
22 receipt requested. On September 5, 2013, a Notice of Violation was mailed certified mail with return
23 receipt requested to INTERESTED PARTIES.

24 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
25 providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was
26 mailed to OWNER and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

regular session assembled on December 3, 2013, finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 33649 El Centro Ave., Hemet, Riverside County, California, also identified as Assessor's Parcel Number 458-225-005 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

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


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

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside 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.

7
8 Dated: JAN 28 2014

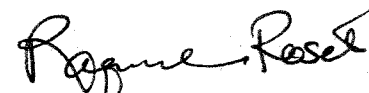
COUNTY OF RIVERSIDE

9
10 By  **JEFF STONE**
11 Chairman, Board of Supervisors

12 ATTEST:

13 KECIA HARPER-IHEM

14 Clerk to the Board

15
16 By 
17 Deputy

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19 (SEAL)
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28 G:\Litigation\Code Enforcement\Findings of Facts\2013\12-05595\541 FOF.DOC



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

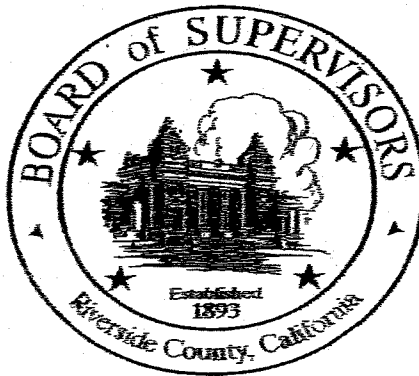
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside3sclrec.com>

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:

1/28/14

Signature:

Raquel Rosete

Print Name:

Raquel Rosete, Board Assistant, Riverside County Clerk of the Board

PROOF OF SERVICE

Case No. CV12-05595

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on February 28, 2014, 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)**

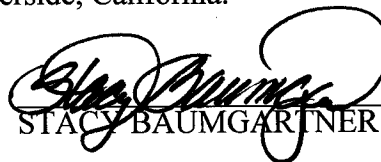
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 February 28, 2014, at Riverside, California.


STACY BAUMGARTNER

1/28/2014

2-10

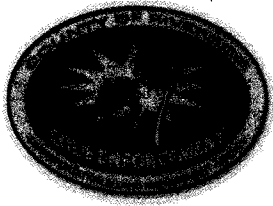
NOTICE LIST

Subject Property: 33649 El Centro, Hemet; Case No.: CV12-05595
APN: 458-225-005; District 3/3 BAC

BAC HOME LOANS SERVICING, L.P.
7105 CORPORATE
PLANO, TX 75024

WARREN W AND MARTHA L MARKEL
33649 EL CENTRO AVE.
HEMET, CA 92545

NDEX WEST, LLC
15000 SURVEYOR BLVD, SUITE 500
ADDISON, TEXAS 75001-9013



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2014

RE CASE NO: CV1205595

I, Samantha Phillips, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:

37600 Sky Canyon Drive, Suite G

Murrieta, California 92563

Mail Stop #5155.

That on 03/04/2014 at 10:52 am, I securely and conspicuously posted Finding of Facts, Conclusions and Order to Abate Nuisance. at the property described as:


Property Address: 33649 EL CENTRO AVE, HEMET

Assessor's Parcel Number: 458-225-005

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

Executed on March 4, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  _____
Samantha Phillips, Code Enforcement Officer