

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

907B



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

**SUBMITTAL DATE:**  
March 26, 2014

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV12-03097 [VELASQUEZI]  
Subject Property: 40765 Mayberry Avenue, Hemet; APN: 447-101-001  
District: 3/3 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03097 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. CV12-03097; 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. CV12-03097.

**BACKGROUND:**

**Summary**

On February 25, 2014, 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 substandard structure (dwelling and accumulated rubbish on the subject property to be a public nuisance.

(Continued)

PATRICIA MUNROE  
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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**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 Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: April 8, 2014  
xc: Co. Co.; Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

Departmental Concurrence

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

**DOC # 2014-0130925**  
04/10/2014

**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 Michelle Cervantes, Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NO. CV 12-03097
12	[SUBSTANDARD STRUCTURE AND	)	
13	ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
14	APN 447-101-001, 40765 MAYBERRY AVE.,	)	CONCLUSIONS AND ORDER TO
15	HEMET, RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
16	SANTA EMILLETH LARA VELASQUEZ,	)	
	OWNER.	)	R.C.O. Nos. 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on February 25, 2014, 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 40765 Mayberry Ave., Hemet, Riverside, Assessor's Parcel Number 447-101-  
21 001 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
23 Code 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 the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE  
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public  
28 nuisance.

**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 Santa Emilleth Lara Velasquez ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Mortgage Electronic Registration System, Inc., Lake Hemet Municipal  
6 Water District, and People's Choice Home Loan, Inc. (hereinafter collectively referred to as  
7 "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 5, 2012, and  
9 on eleven (11) other occasions, the last being October 30, 2013.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE  
11 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure  
12 contained numerous deficiencies, including but not limited to: lack of hot and cold running water to  
13 plumbing fixtures; dampness of habitable rooms; faulty weather protection; general dilapidation or  
14 improper maintenance; public and attractive nuisance – abandoned/vacant.

15 5. During each inspection an accumulation of rubbish was observed throughout THE  
16 PROPERTY consisting of but not limited to: paper, plastic, wood, household trash, green waste,  
17 electronics, furniture and other miscellaneous items.

18 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
19 Nos. 457 and 541 by the Code Enforcement Officer.

20 7. A Notice of Pendency of Administrative Proceedings was recorded on July 24, 2012,  
21 as Document Number 2012-0346900 in the Office of the County Recorder, County of Riverside.

22 8. On June 5, 2012, Notice of Violation, Notice of Defects, a "Danger Do Not Enter"  
23 and a "Do Not Dump" sign were posted on THE PROPERTY. On June 18, 2012, July 6, 2012, and  
24 July 31, 2012, Notices of Violation for the substandard structure and accumulation of rubbish were  
25 mailed to OWNER and INTERESTED PARTIES by first class mail. On July 5, 2012, July 31, 2012,  
26 March 5, 2013 and April 10, 2013, Notices of Violation for the substandard structure and  
27 accumulation of rubbish were mailed to OWNER and INTERESTED PARTIES by certified mail,  
28 return receipt requested.



1 PROPERTY be abated by the OWNER, Santa Emilleth Lara Velasquez, or anyone having  
2 possession or control of THE PROPERTY, by razing and removing the substandard structure  
3 including the removal and disposal of all structural debris and materials, as well as the contents  
4 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and  
5 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
6 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
7 posting and mailing of this Order to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
9 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
10 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
11 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents  
12 therein, and structural debris and materials, may be abated by representatives of the Riverside County  
13 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
14 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
15 PROPERTY.

16 FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of  
17 asbestos containing materials in said structures by survey and materials sample testing by a duly  
18 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
19 the removal of all asbestos containing materials discovered through such survey and testing by  
20 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
21 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

27 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
28 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the  
2 accumulation of rubbish may be abated by representatives of the Riverside County Code  
3 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
4 consent or a Court Order when necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
8 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
9 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
10 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
11 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
12 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

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Dated: April 8, 2014

COUNTY OF RIVERSIDE

By Jeff Stone  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By Kellington  
Deputy  
(SEAL)



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

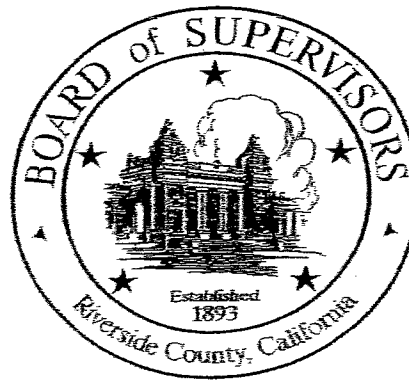
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcfrec.com>

**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:

4-8-14

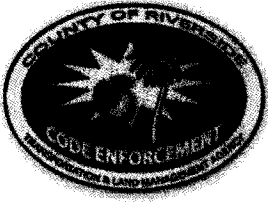
Signature:

*Karen Barton*

Print Name:

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





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

Originals filed with the Clerk of the Board: Agenda No. 2.6 of 4/18/14 : on the Consent calendar.

**AFFIDAVIT OF POSTING OF NOTICES**

April 29, 2014

RE CASE NO: CV1203097

I, Anita Bustillos, 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 04/29/2014 at 2:03 p.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structure and Accumulation of Rubbish); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification, Notice List and Proof of Service at the property described as:

**Property Address:** 40765 MAYBERRY AVE, HEMET

**Assessor's Parcel Number:** 447-101-001

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

Executed on April 29, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in black ink that reads "Anita Bustillos". The signature is written over a horizontal line.

By: Anita Bustillos, Code Enforcement Technician

**PROOF OF SERVICE**  
Case No. CV12-03097- Velasquez

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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, 12<sup>th</sup> Floor, Riverside, California 92501.

That on April 29, 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)**

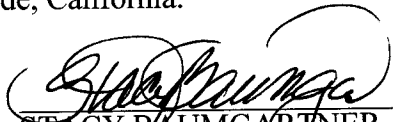
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 April 29, 2014, at Riverside, California.

  
\_\_\_\_\_  
STACY BAUMGARTNER  
Code Enforcement Officer III

## NOTICE LIST

Subject Property: 40765 Mayberry Ave., Hemet; Case No.: CV12-03097  
APN: 447-101-001; District 3/3 Velasquez

**SANTA EMILLETH LARA VELASQUEZ**  
**6339 HOOD AVE.**  
**HUNTINGTON PARK, CA 90255**

**MERS**  
**P.O. BO 2026**  
**FLINT, MI 48501-2026**

**LAKE HEMET MUNICIPAL WATER**  
**DISTRICT**  
**P.O. BOX 5039**  
**HEMET, CA 92544-0039**

**PEOPLE'S CHOICE HOME LOAN, INC.**  
**7515 IRVINE CENTER DR.**  
**IRVINE, CA 92618**