

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

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish];
Case No. CV13-01584 [SOTELO]
Subject Property: 26484 Cortrite Ave., Hemet; APN: 458-270-026
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. CV13-01584;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01584; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-01584.

BACKGROUND:

Summary

On March 11, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structures, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

L. Alexandra Fong
L. ALEXANDRA FONG
Deputy County Counsel

Departmental Concurrence

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*
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit 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: April 22, 2014
xc: TLMA/Co.Co. Code Enforc., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structures, Excessive Outside Storage &
Accumulated Rubbish];**

Case No. CV13-01584 [SOTELO]

Subject Property: 26484 Cortrite Ave., Hemet; APN: 458-270-026

District: 3/3 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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

DOC # 2014-0150648
04/25/2014

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 13-01584
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
14 OF RUBBISH]; APN 458-270-026, 26484) CONCLUSIONS AND ORDER TO
15 CORTRITE AVE., HEMET, RIVERSIDE) ABATE NUISANCE
16 COUNTY, CALIFORNIA; JUVENTINO)
SOTELO, OWNER.) R.C.O. Nos. 348, 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on March 11, 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 26484 Cortrite Ave., Hemet, Riverside County, Assessor's Parcel Number 458-
21 270-026 and referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, 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 the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348, 457 and 541 and as a public nuisance.

FINDINGS OF FACT, CONCLUSIONS
AND ORDER TO ABATE NUISANCE

COPY

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Juventino Sotelo (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Eastern Municipal Water District, Western Progressive, LLC, U.S. Bank,
6 National Association as Trustee for C-Bass, Encore Credit Corp., and MERS (“INTERESTED
7 PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 12, 2013,
9 April 18, 2013, May 15, 2013, June 21, 2013, September 18, 2013, October 24, 2013, and March 4,
10 2014.

11 4. During each inspection, two substandard structures (swelling and shed) were observed
12 on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
13 structures contained numerous deficiencies, including but not limited to: lack of hot and cold running
14 water to plumbing fixtures; lack of connection o required sewage system; hazardous plumbing;
15 hazardous wiring; defective or deteriorated flooring or floor supports; dampness of habitable rooms;
16 general dilapidation or improper maintenance; improper occupancy; fire hazard; and public and
17 attractive nuisance – abandoned - vacant.

18 5. During each inspection an accumulation of rubbish and excess outside storage was
19 also observed throughout THE PROPERTY consisting of but not limited to: tires, broken furniture,
20 paper, metal and plastic.

21 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348, 457 and 541 by the Code Enforcement Officer.

23 7. On August 7, 2013, a Notice of Pendency of Administrative Proceedings was
24 recorded at the Riverside County Recorder’s Office as instrument number 2013-0384992.

25 8. On April 12, 2013, a Notice of Violation, Notice of Defects and “Danger- Do Not
26 Enter” signs were posted on THE PROPERTY. On April 17, 2013 and June 24, 2013, Notice of
27 Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by first class
28 mail. On May 8, 2013, a Notice of Violation together with a Notice of Defects was mailed to

1 OWNER by certified mail, return receipt requested.

2 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
3 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
4 INTERESTED PARTIES and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on March 11, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structures (dwelling and shed), excessive outside storage
9 of materials and accumulation of rubbish on the real property located at 26484 Cortrite Ave., Hemet,
10 Riverside County, California, also identified as Assessor's Parcel Number 458-270-026 violates
11 Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

12 2. WHEREAS, the OWNER, occupants and any person having possession or control of
13 THE PROPERTY shall abate the substandard structures (dwelling and shed) by razing, removing
14 and disposing of the substandard structures including the removal and disposal of all structural debris
15 and materials, and contents therein or by reconstruction and rehabilitation of said structures
16 provided that said reconstruction or demolition can be accomplished in strict accordance with all
17 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
18 within ninety (90) days.

19 3. WHEREAS, the OWNER, occupants and any other person having possession or
20 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
21 materials by removing and disposing of all rubbish and excessive outside storage on THE
22 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
23 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

24 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
25 NOTICED that the time within which judicial review of the administrative determinations made
26 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
27 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
28 Section 1094.6.

1 posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
3 storage of materials is not removed and disposed of in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
5 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
6 outside storage of materials may be abated and disposed of by representatives of the Riverside
7 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
8 owner's consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
13 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
14 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
15 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
16 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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

3

4 Dated: April 22, 2014

COUNTY OF RIVERSIDE

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6 By Jeff Stone
7 Jeff Stone
Chairman, Board of Supervisors

7

8

9 ATTEST:

9

10 KECIA HARPER-IHEM

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11 Clerk to the Board

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12 By Karen Taylor

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14 Deputy

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15 (SEAL)

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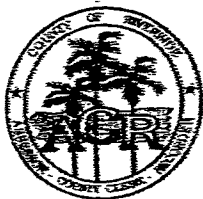
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FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 3/26/14
DATE



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

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

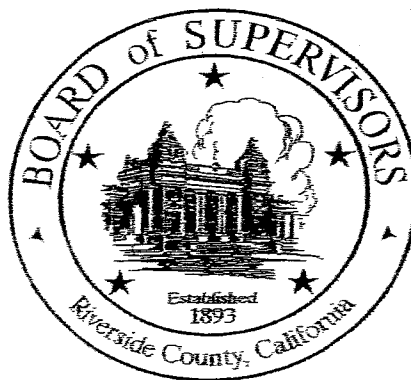
<http://riverside.asclrec.com>

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:

4-22-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

May 8, 2014

RE CASE NO: CV1301584

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 05/08/2014 at 11:02 a.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structure, Excessive Outside Storage 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:

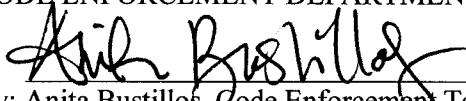
Property Address: 26484 CORTRITE AVE, HEMET

Assessor's Parcel Number: 458-270-026

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

Executed on May 8, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

30tello

PROOF OF SERVICE
Case No. CV13-01584 Sotelo

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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, 12th Floor, Riverside, California 92501.

That on May 6, 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)**

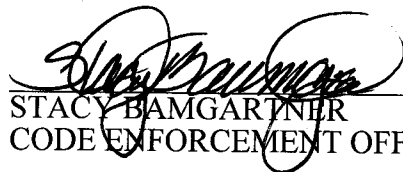
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 May 6, 2014, at Riverside, California.


STACY BAMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 26484 Cortrite Ave., Hemet; Case No.: CV13-01584
APN: 458-270-026; District 3/3 Sotelo

**JUVENTINO SOTELO
26484 CORTRITE AVE.
HEMET, CA 92545**

**JUVENTINO SOTELO
P.O. BOX 892725
TEMECULA, CA 92590**

**ENCORE CREDIT CORP.
1833 ALTON PARKWAY
IRVINE, CA 92606**

**ENCORE CREDIT CORP.
C/O NANCY DARLENE ROBEY
2140 S. RESERVIOR ST.
POMONA, CA 91766**

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

**EMWD
ATTN; BILLING DEPARTMENT
P.O. BOX 8300
PERRIS, CA 92572-8300**

**PACIFIC PRESERVATION SERV. INC
50 W HILLCREST DR. STE. 221
THOUSAND OAKS, CA 91360**

**WESTERN PROGRESSIVE, LLC.
1525 SOUTH BELTLINE
COPPELL, TX 75019**