

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

303 B



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

**SUBMITTAL DATE:**  
April 16, 2014

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. CV10-06305 [SACKETT]  
Subject Property: 32699 Ortega Highway, Lake Elsinore; APN: 386-060-041  
District: 1/1 [\$0.00]

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305;
  2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305; and
  3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305.

**BACKGROUND:**

**Summary**

On March 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) located on the subject property to be a public nuisance. The Board ordered the property owner

(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>
	For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

B. 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 29, 2014  
**xc:** Co.Co.; Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: Deputy

3/25/14 11:14:19

Departmental Concurrence

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

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

**FORM 11: Order to Abate [Substandard Structure]**

Case No. CV10-06305 [SACKETT]

Subject Property: 32699 Ortega Highway, Lake Elsinore; APN: 386-060-041

District: 1/1 [\$0.00]

**DATE:** April 16, 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)

**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 10-06305
12	[SUBSTANDARD STRUCTURE];	)	
13	APN 386-060-041, 32699 ORTEGA HIGHWAY,	)	FINDINGS OF FACT,
14	LAKE ELSINORE, RIVERSIDE COUNTY,	)	CONCLUSIONS AND ORDER TO
15	CALIFORNIA; KENNETH JAMES SACKETT	)	ABATE NUISANCE
	AND POLENA B. SACKETT, OWNERS.	)	
		)	[R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on March 25, 2014, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 32699 Ortega Highway, Lake Elsinore, Assessor's Parcel Number 386-060-  
20 041 and referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of  
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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**COPY**

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners  
3 of THE PROPERTY as Kenneth James Sackett and Polena B. Sackett ("OWNERS").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to-wit: American Reconveyance Services, Rosemary S. Volkmar, Jehan (AKA:  
6 John) Volkmar, and Timothy Lewis (hereinafter collectively referred to as "INTERESTED  
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 29, 2010, and  
9 on approximately eleven (11) other occasions, the last being February 24, 2014.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE  
11 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,  
12 including but not limited to: members of walls, partitions, or other vertical supports that split, lean,  
13 list, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof  
14 supports or other horizontal members which sag, split, or buckle due to defective material or  
15 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or  
16 improper maintenance; public and attractive nuisance – abandoned/vacant.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 No. 457 by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
20 County of Riverside, State of California, on October 14, 2010, as Instrument Number 2010-0491740.  
21 A Notice of Pendency of Administrative Proceedings was recorded on March 1, 2013, as Document  
22 Number 2013-0102288 in the Office of the County Recorder, County of Riverside.

23 7. On July 29, 2010, Notice of Violation, Notice of Defects and a "Danger Do Not  
24 Enter" sign were posted on THE PROPERTY. On August 4, 2010 and April 12, 2011, a Notice of  
25 Violation and Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by certified  
26 mail with return receipt requested. On April 5, 2011 and April 18, 2013, a Notice of Violation and  
27 Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by first class mail.

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

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

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


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1 Department will be recoverable from the OWNERS 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 29, 2014

COUNTY OF RIVERSIDE

By   
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By   
Deputy  
(SEAL)



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

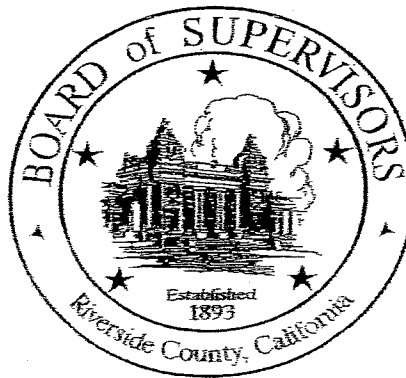
Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 436-7000  
<http://riverside.asrcfrec.com>

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:

4-29-14

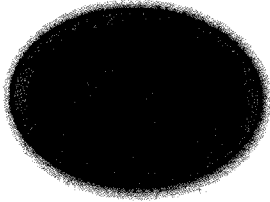
Signature:

*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 13, 2014

RE CASE NO: CV1006305

I, Etita Fohe, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:  
227 North D Street Suite B  
Perris, California 92570  
Mail Stop#5004.

That on 05/08/14 at 10:53 AM, I securely and conspicuously posted FINDING OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

**Property Address:** 32699 ORTEGA HWY, LAKE ELSINORE

**Assessor's Parcel Number:** 386-060-041

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

Executed on May 13, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  Code Enforcement Technician

**PROOF OF SERVICE**  
Case No. CV10-06305 Sackett

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 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: 32699 Ortega Highway, Lake Elsinore

Case No.: CV10-06305 APN: 386-060-041 District 1/1

February 24, 2014 - SACKETT

KENNETH JAMES SACKETT  
POLENA B. SACKETT  
34799 ORTEGA HIGHWAY  
LAKE ELSINORE, CA 92530

PIERRE VOLKMAR, JEHAN VOLKMAR AND  
ROSEMARY VOLKMAR  
P.O. BOX 1408  
BLUE JAY, CA 92317

MR. TIMOTHY LEWIS  
3014 MYRTLE AVENUE  
SAN DIEGO, CA 92104

JOHN M. COOMBE  
C/O AMERICAN RECONVEYANCE SERVICES  
P.O. BOX 11509  
NEWPORT BEACH, CA 92658