

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

205B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 3, 2015

SUBJECT: Order to Abate [Excess Outside Storage & Accumulation of Rubbish]
Case No. CV12-06210 [VERGAR]
Subject Property: 25689 Grant Avenue, Hemet
APN: 548-132-012
District: 3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06210;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06210; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06210.

BACKGROUND:

Summary

On May 19, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excess outside storage and accumulation of rubbish, located on the subject property, to be a public nuisance. The Board ordered the property owners to abate the violative (Continued)

GREGORY P. PRIAMOS
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 Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: June 16, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By
Deputy

2-14

Departmental Concurrence

- 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 [Excess Outside Storage & Accumulation of Rubbish]

Case No. CV12-06210 [VERGAR]

Subject Property: 25689 Grant Avenue, Hemet

APN: 548-132-012

District: 3 [\$0.00]

DATE: June 3, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

2015-0258669

06/18/2015 09:07 AM

*****Customer Copy Label*****

The paper to which this label is affixed has not been compared with the filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior 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 12-06210
12	[EXCESS OUTSIDE STORAGE AND)	
	ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
13	APN 548-132-012, 25689 GRANT AVENUE,)	CONCLUSIONS AND ORDER TO
	HEMET, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
14	JACK G. VERGAR AND WILMA J. VERGAR,)	
	OWNERS.)	[R.C.O. Nos. 348, 541 and 725]
15)	
16)	

17 The above-captioned matter came on regularly for hearing on May 19, 2015, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 25689 Grant Avenue, Hemet, Riverside County, Assessor's Parcel Number 548-132-
21 012 and referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
23 Enforcement Officer and Hector Viray, Supervising Code Enforcement Officer, on behalf of the
24 Director of the Code Enforcement Department.

25 The property owners' son, Andrew Vergar, appeared and addressed the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excess outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Jack G. Vergar and Wilma J. Vergar ("OWNERS").

5 2. Documents of title indicate that no other parties appear to potentially hold a legal
6 interest in THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 25, 2013,
8 and on ten (10) additional follow up inspections, the last being May 12, 2015.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: tools, boxes, plastic crates,
11 scrap wood and miscellaneous items, in excess of 800 square feet.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 Nos. 348 and 541 by the Code Enforcement Officer.

14 6. On October 23, 2014, a Notice of Pendency of Administrative Proceedings was
15 recorded at the Riverside County Recorder's Office as instrument number 2014-0402737.

16 7. On April 25, 2013, a Notice of Violation was posted on THE PROPERTY. On May
17 1, 2013 and December 2, 2014, a Notice of Violation was mailed to OWNERS by first class mail.
18 On September 25, 2014, a Notice of Violation was mailed to OWNERS by certified mail, return
19 receipt requested.

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

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on May 19, 2015, finds and concludes that:

26 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
27 the real property located at 25689 Grant Avenue, Hemet, Riverside County, California, also
28 identified as Assessor's Parcel Number 548-132-012 violates Riverside County Ordinance Nos. 348

1 and 541 and constitutes a public nuisance.

2 2. WHEREAS, the OWNERS, occupants and any other person having possession or
3 control of THE PROPERTY shall abate the accumulation of rubbish and excess outside storage of
4 materials by removing and disposing of all rubbish and excess outside storage on THE PROPERTY
5 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance Nos. 348 and 541 within ninety (90) days.

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS ORDERED that the accumulation of rubbish and excess outside storage of materials on
13 THE PROPERTY be abated by OWNERS or anyone having possession or control of THE
14 PROPERTY by removing and disposing of all rubbish and excess outside storage of materials on
15 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
16 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
17 mailing of this Order to Abate Nuisance.

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

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 348, 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 OWNERS 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: June 16, 2015

COUNTY OF RIVERSIDE

9
10 By Marion Ashley
11 Marion Ashley
12 Chairman, Board of Supervisors

12 ATTEST:
13 KECIA HARPER-IHEM
14 Clerk to the Board

15
16 By [Signature]
17 Deputy

18 (SEAL)
19
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**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

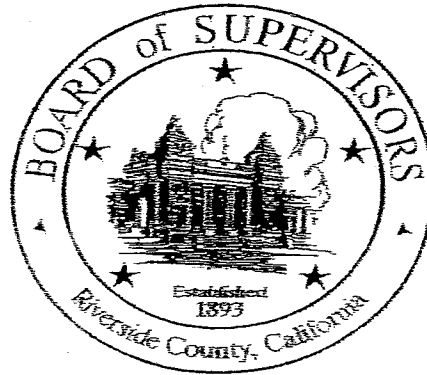
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
www.riversideacr.com

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:

6-16-15

Signature:

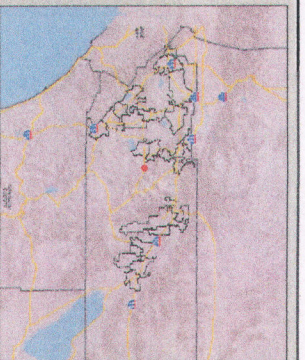
Karen Barton

Print Name:

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

CV12-06210

APN: 548-132-012; 25689 Grant Ave., Hemet



Legend

- RCLIS Parcels
- TBM Page
- TBM Grid
- Survey
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrography/lines
- waterbodies
- Lakes
- Rivers

IMPORTANT* Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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Notes

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