

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

951A



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 20, 2015

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV12-05483 [KRUSE]
Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011
District: 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05483;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05483; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-05483.

BACKGROUND:

Summary

On October 27, 2015, 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

(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 by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 10/27/15; 9.3 | District: 5 | Agenda Number:

2-11

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

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV12-05483 [KRUSE]

Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011

District: 5 [\$0]

DATE: November 20, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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)

2015-0536913

12/10/2015 03:07 PM

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-05483
12 [ACCUMULATION OF RUBBISH];)
13 APN 517-101-011, 55200 HATTON PLACE,) FINDINGS OF FACT,
14 WHITEWATER, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; YVONNE S. KRUSE, OWNER.) ABATE NUISANCE
16)
17) [R.C.O. Nos. 541 and 725]
18)
19)
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16 The above-captioned matter came on regularly for hearing on October 27, 2015, 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 55200 Hatton Place, Whitewater, Riverside County, and further described as
20 Assessor's Parcel Number 517-101-011 referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

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

27 ///

28 ///

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 Yvonne S. Kruse ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Mission Springs Water District and Douglas J. Kruse (hereinafter referred to as
6 "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 28,
8 2012 and on fourteen (14) subsequent follow up inspections, with the last inspection being October
9 23, 2015.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: household rubbish and scrap plastic
12 waste of about 512 square feet.

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

15 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
16 the County Recorder, County of Riverside, State of California on October 24, 2012 as instrument
17 number 2012-0508163.

18 7. On September 28, 2012, a Notice of Violation was posted on THE PROPERTY. On
19 October 15, 2012, a Notice of Violation was mailed to OWNER by certified mail, return receipt
20 requested. On October 22, 2014, a Notice of Violation was mailed to OWNER and INTERESTED
21 PARTIES by first class mail and by certified mail, return receipt requested.

22 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
23 providing notice of the public hearing before the Board of Supervisors on October 27, 2015, was
24 mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on October 27, 2015, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 55200 Hatton

1 Place, Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-
2 101-011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.
5

6 Dated: December 8, 2015

COUNTY OF RIVERSIDE

7
8 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors
9

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board
13

14 By Karen Bayton
15 Deputy
16

17 (SEAL)
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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

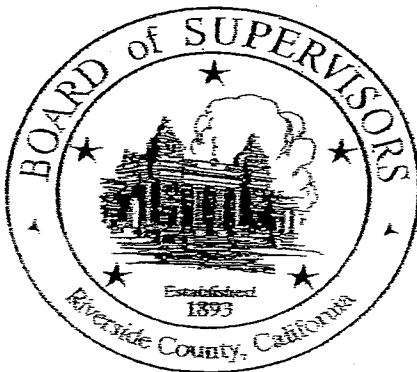
www.riversideacr.com

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:

12-8-15

Signature:

Karen Barton

Print Name:

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

CV12-05483

55200 Hatton Place, Whitewater APN: 517-101-011



Legend

- TBM Page
- TBM Grid
- Survey
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers



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146

292 Feet



REPORT PRINTED ON...6/22/2015 8:47:44 AM

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Notes

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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Grid D1



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

January 13, 2016

RE CASE NO: CV1205483

I, Jamison Cole, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
581 South Grand Avenue
San Jacinto, California, 92582
Mail Stop #5002.

That on 1/11/16 at 2:05 p.m., I securely and conspicuously posted the Findings of Fact at the property described as:

Property Address: 55200 HATTON PL, WHITEWATER

Assessor's Parcel Number: 517-101-011

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

Executed on January 13, 2016 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: J. Cole
Jamison Cole, Code Enforcement Officer

PROOF OF SERVICE
Case No. **CV12-05483 Kruse**

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 January 4, 2016, I served the following document(s):

- **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**
- **NOTICE LIST**

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 January 4, 2016, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 55200 Hatton Place, Whitewater;
Case No.: CV12-05483
APN: 517-101-011; District 5

YVONNE S. KRUSE
350 S. WILLOW AVENUE, NO. 29
RIALTO, CA 92376

DOUGLAS J. KRUSE
P.O. BOX 2006
RIALTO, CA 92377-2006

MISSION SPRINGS WATER DISTRICT
66575 SECOND STREET
DESERT HOT SPRINGS, CA 92240