

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

501B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 9, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-2446
Subject Property: 18051 Palowalla Drive, Blythe; APN 818-312-013
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2446 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. CV 06-2446; 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. CV 06-2446.

BACKGROUND:

On June 26, 2007 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 accumulation of 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 directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

[Signature]
TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *[Signature]*
Tina Grande

County Executive Office Signature

Dep't Recomm.: Policy
Per Exec. Ofc.: Policy
 Consent
 Consent

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-2446
[ACCUMULATION OF RUBBISH]; APN 818-)
312-013, 18051 PALOWALLA DRIVE, BLYTHE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; VIOLA I.) CONCLUSIONS AND ORDER TO
MESSERALL, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 541 (RCC Chapter 8.120)
) and 725 (RCC Title 1)]
)

The above-captioned matter came on regularly for hearing on June 26, 2007, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 18051 Palowalla Drive, Blythe, Riverside County, California and further described as Assessor's Parcel Number 818-312-013 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the property owner.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Viola I. Messerall ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to wit: Palo Verde Irrigation District ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 9, 2006, July
7 12, 2006, August 16, 2006, October 13, 2006, December 12, 2006, February 28, 2007, March 21,
8 2007, May 16, 2007 and June 25, 2007.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: burnt, metal, wood, appliances, auto
11 parts, tires, furniture, personal items, household trash, debris and other miscellaneous items. All
12 items appeared fire damaged. The accumulated rubbish on THE PROPERTY was estimated to be
13 approximately twenty thousand (20,000) square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
17 County of Riverside, State of California on December 18, 2006 as instrument number 2006-
18 0925003.

19 7. On May 9, 2006, a Notice of Violation was posted on THE PROPERTY. On May 22,
20 2006, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER and
21 occupant/tenant. On August 24, 2006, a Notice of Violation was mailed by certified mail, return
22 receipt requested to OWNER. On September 15, 2006, a Notice of Violation was mailed by certified
23 mail, return receipt requested to OWNER and INTERESTED PARTY

24 8. On May 15, 2007, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 26,
26 2007 was mailed by certified mail, return receipt requested, to the OWNER, occupant/tenant, and
27 INTERESTED PARTY and posted on THE PROPERTY on May 16, 2007.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on June 26, 2007 finds and concludes that:

4 1. WHEREAS, the accumulation of rubbish on the real property located at 18051
5 Palowalla Drive, Blythe, Riverside County, California, also identified as Assessor's Parcel Number
6 818-312-013 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and constitutes a
7 public nuisance.

8 2. WHEREAS, THE OWNER, or any person having possession or control of the
9 premises, should abate the condition by removing and disposing of all rubbish from the subject real
10 property in strict accordance with all Riverside County Ordinances, including but not limited to
11 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

12 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
13 FURTHER NOTICED that the time within which judicial review of the administrative
14 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
15 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
16 Civil Procedure Section 1094.6.

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
19 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
20 disposing of all rubbish from the subject real property in strict accordance with all Riverside County
21 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
22 within ninety (90) days of the date of this Order to Abate Nuisance.

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

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
5 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
6 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
7 collection and administrative costs, attorneys fees, and the costs associated with the removal or
8 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
9 Department will be recoverable from THE PROPERTY owner(s) even if the property is brought into
10 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 John Tavaglione
16 Chairman, Board of Supervisors

17 ATTEST:

18 NANCY ROMERO

19 Clerk to the Board

20 By

21 Deputy

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23
24 (SEAL)

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