

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

605B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 22, 2007

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-2992
Subject Property: One Parcel West of 12493 Jasmine Drive, Desert Hot Springs; APN 667-202-054
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2992 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 06-2992; 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 06-2992.

BACKGROUND:

On October 16, 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.

Tiffany N. North

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: *Tina Grande*

Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 10/16/07; 9.4

District: 5

Agenda Number:

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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 06-2992
[ACCUMULATION OF RUBBISH]; APN 667-)	
202-054, ONE PARCEL WEST OF 12493)	FINDINGS OF FACT,
JASMINE DRIVE , DESERT HOT SPRINGS,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
ARMANDO VELASQUEZ, OWNER.)	
)	[R.C.O. Nos. 541 (RCC Chapter 8.120)
)	and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 16, 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 One parcel west of 12493 Jasmine Drive, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 667-202-054 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.

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to-wit: Nettie Lee Wood ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement officers on May 11, 2006,
7 July 26, 2006, November 27, 2006, February 15, 2007, June 13, 2007, August 23, 2007, September
8 4, 2007 and October 11, 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: dry rotted wood, metal, dry peg
11 board, pieces of wooden garage doors, pieces of plaster, old roof shingles, chain link fencing
12 material, old swamp cooler, tires, tire rims, plastic and other miscellaneous items.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on June 20, 2006 as instrument number 2006-0442335.

17 7. On May 11, 2006, a Notice of Violation was posted on THE PROPERTY. On June 1,
18 2006, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER. On
19 December 13, 2006, a Notice of Violation was mailed by certified mail, return receipt requested to
20 OWNER and INTERESTED PARTY.

21 8. On August 29, 2007, a "Notice To Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
23 16, 2007 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
24 PARTY and posted on THE PROPERTY on September 4, 2007.

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 16, 2007 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located one parcel west

1 of 12493 Jasmine Drive, Desert Hot Springs, Riverside County, California, also identified as
2 Assessor's Parcel Number 667-202-054 violates Riverside County Ordinance No. 541 and constitutes
3 a public nuisance.

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

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

13 **ORDER TO ABATE NUISANCE**

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

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

COUNTY OF RIVERSIDE

9
10 By _____
John Tavaglione
Chairman, Board of Supervisors

11 ATTEST:

12 NANCY ROMERO

13 Clerk to the Board

14
15
16 By

17 Deputy

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19 (SEAL)

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