

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

721B



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

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 07-2931  
Subject Property: 18245 Eureka Drive, Blythe  
APN 818-322-006  
District Four

**SUBMITTAL DATE:**  
January 18, 2008

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-2931 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 07-2931; 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 07-2931.

**BACKGROUND:**

On January 15, 2008 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

<b>FINANCIAL DATA</b>	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

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

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

APPROVE

*[Signature]*  
BY: Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 1/15/08; 9.3 | District: 4 | 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 07-2931  
[ACCUMULATION OF RUBBISH]; APN 818- )  
322-006, 18245 EUREKA DRIVE, BLYTHE, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
WILLIAM J. FOX AND CLAUDE FOX, ) ABATE NUISANCE  
OWNERS. )  
 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
 ) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on January 15, 2008, 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 18245 Eureka Drive, Blythe, Riverside County, and further described as Assessor's Parcel Number 818-322-006 referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the property Owners.

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  
3 OWNERS of THE PROPERTY as William J. Fox and Claude Fox ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Virginia L. Fox, Riverside County Tax Collector and the Palo Verde Irrigation  
6 District ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 18, 2007,  
8 July 3, 2007, August 30, 2007, October 16, 2007, December 11, 2007 and January 11, 2008.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: burned scrap metal, household trash,  
11 vehicle batteries, appliances, scrap wood, scrap metal, used and discarded miscellaneous vehicle  
12 parts and miscellaneous trash and debris.

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 Officers.

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
16 County of Riverside, State of California on September 10, 2007 as instrument number 2007-  
17 0572903.

18 7. On April 18, 2007 a Notice of Violation and "Do Not Dump" signs were posted on  
19 THE PROPERTY. On April 24, 2007, a Notice of Violation was mailed by certified mail, return  
20 receipt requested to OWNERS and INTERESTED PARTIES.

21 8. On December 6, 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 January  
23 15, 2008 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
24 PARTIES and posted on THE PROPERTY on December 11, 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 January 15, 2008 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at the 18245

1 Eureka Drive, Blythe, Riverside County, California, also identified as Assessor's Parcel Number 818-  
2 322-006 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Roy Wilson  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy

(SEAL)