

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

957B



SUBMITTAL DATE:
February 15, 2008

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 06-2967
Subject Property: Northwest Corner of Madre Lane and Estrada Street, Desert Hot Springs; APN 667-211-051
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2967 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 06-2967; 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 06-2967.

BACKGROUND:

On December 11, 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. This matter is now being resubmitted to the Board of Supervisors for execution as it was discovered that the prior Findings of Fact, Conclusion, and Order to Abate contained a clerical error.

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

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 12/11/07; 9.6 1/08/08; 2.16 | **District:** 5 | **Agenda Number:**

2.36

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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 06-2967
[ACCUMULATION OF RUBBISH]; APN 667-)	
211-051, LOCATED AT THE NORTHWEST)	FINDINGS OF FACT,
CORNER OF MADRE LANE AND ESTRADA)	CONCLUSIONS AND ORDER TO
STREET, DESERT HOT SPRINGS, RIVERSIDE)	ABATE NUISANCE
COUNTY, CALIFORNIA; GREGG ALAN)	
TIEDMAN, 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 December 11, 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 located at the Northwest Corner of Madre Lane and Estrada Street, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 667-211-051 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 Northwest Corner of Madre Lane and Estrada Street, Desert Hot Springs Springs, Riverside County,
2 California, also identified as Assessor's Parcel Number 667-211-051 violates Riverside County
3 Ordinance No. 541 (RCC Chapter 8.120) and constitutes 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 rubbish from the subject real property in strict accordance with all Riverside
17 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
18 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

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10 By _____
Roy Wilson
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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