

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

232 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate: [Accumulation of Rubbish]
Case No.: CV 07-2358
Subject Property: 13592 Colony Road, Desert Hot Springs
APN: 663-090-045
District Five

SUBMITTAL DATE:
November 7, 2008

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-2358 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 07-2358; 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 07-2358.

BACKGROUND:

On October 28, 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.

Julie A.K. Jarvi

JULIE A.K. JARVI, 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*

County Executive Office Signature
Tina Grande

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 10/28/08; 9.7 | District: 5 | Agenda Number:

2.32

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WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, 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 07-2358
[ACCUMULATION OF RUBBISH];)	
APN: 663-090-045, 13592 COLONY ROAD,)	FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; HAZEL V. BEARD, 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 October 28, 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 13592 Colony Road, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 663-090-045 referred to hereinafter as "THE PROPERTY."

Alexandra Fong, 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 Hazel V. Beard ("OWNER").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 26, 2007,
7 October 17, 2007, December 13, 2007, March 10, 2008, April 7, 2008, April 15, 2008, August 27,
8 2008 and October 24, 2008.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The accumulated rubbish consisted of, but was not limited to: wood, furniture, tires,
11 cardboard, scrap metal, lawnmowers, appliances, green waste, car parts, household trash and
12 miscellaneous debris. The amount of accumulated rubbish on THE PROPERTY was approximately
13 three thousand four hundred fifty (3,450) 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 March 19, 2008 as instrument number 2008-0133631.

18 7. On July 26, 2007, Notice of Violation was posted on THE PROPERTY. On August
19 13, 2007 and October 23, 2007, Notice of Violation was mailed by certified mail, return receipt
20 requested to OWNER.

21 8. On August 25, 2008, the "Notice to Correct County Ordinance and Abate Public
22 Nuisance" providing notice of the public hearing before the Board of Supervisors on October 28,
23 2008 was mailed by certified mail, return receipt requested, to the OWNER and on August 27, 2008
24 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 28, 2008 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 13592

1 Colony Road, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel
2 Number 663-090-045 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and
3 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 IS HEREBY FURTHER NOTICED that the time within
9 which judicial review of the administrative determinations made herein must be sought is ninety (90)
10 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
11 Nuisance, and is governed by California Code of 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 OWNER or anyone having possession or control of THE PROPERTY, by removing
15 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541
17 (RCC Chapter 8.120) within ninety (90) days of the date of the posting and mailing of this Order to
18 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
6 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7

8 Dated: _____

COUNTY OF RIVERSIDE

9

By _____

10

Roy Wilson
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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FORM APPROVED COUNTY COUNSEL

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BY: Julie A. Koons Jarvi 11/4/08
JULIE A. KOONS JARVI DATE

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By

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Deputy

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(SEAL)

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