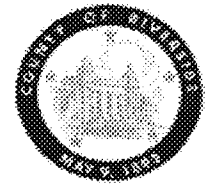


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

835 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 5, 2009

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-3785; (LOPEZ, JARA)
Subject Property: Corner of Desert Cactus and 56th Avenue, Thermal
APN 757-070-049
District Four

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3785 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 07-3785; 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 07-3785.

BACKGROUND:

On July 14, 2009 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 PAMELA J. WALLS, 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
Tina Grande
BY _____
County Executive Office Signature Tina Grande

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

Approved by Board of Supervisors
August 11, 2009

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

8
9 **BOARD OF SUPERVISORS**
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-3785
[ACCUMULATION OF RUBBISH]; APN 757-)
12 070-049, CORNER OF DESERT CACTUS AND) FINDINGS OF FACT,
56TH AVENUE, THERMAL, RIVERSIDE) CONCLUSIONS AND ORDER TO
13 COUNTY, CALIFORNIA; MARTIN ENRIQUE) ABATE NUISANCE
LOPEZ, ALICIA J. JARA AND ANDRES A.)
14 JARA, OWNERS.) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15

16 The above-captioned matter came on regularly for hearing on July 14, 2009, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as Corner of Desert Cactus and 56th Avenue, Thermal, Riverside County, and further
20 described as Assessor's Parcel Number 757-070-049 referred to hereinafter as "THE PROPERTY."

21 Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Senior
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner, Martin Lopez, appeared and addressed the Board of Supervisors.

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

28 ///

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Martin Enrique Lopez, Alicia J. Jara and Andres A. Jara
4 ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: Veronica Lopez DeJara; Orange County District Attorney, Family Support
7 Division; Riverside County District Attorney Child Support Services; Everhome Mortgage; County
8 of Los Angeles Bureau of Family Support Operations; Internal Revenue Service; Michael J.
9 Vanlochem, Vanlochem & Chesney, LLP; County of San Bernardino Department of Child Support
10 Services; State of California Franchise Tax Board, Special Procedures Section; MacDowell &
11 Associates; Prevovost, Normandin, Bergh & Dawe and Riverside County Tax Collector
12 ("INTERESTED PARTIES").

13 3. THE PROPERTY was inspected by Code Enforcement Officers on October 31, 2007,
14 January 8, 2008, February 8, 2008, March 13, 2008, August 5, 2008, November 18, 2008, June 16,
15 2009 and July 13, 2008.

16 4. During each inspection, an accumulation of rubbish was observed on THE
17 PROPERTY. The rubbish consisted of, but was not limited to: cut/dry and dead vegetation, tires,
18 wood, metal, plastic and household trash.

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

21 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
22 County of Riverside, State of California on April 4, 2008 as instrument number 2008-0167250.

23 7. On March 19, 2008, a Notice of Violation was posted on THE PROPERTY.

24 8. On April 3, 2008, a Notice of Violation was mailed by certified mail, return receipt
25 requested to OWNERS and on June 18, 2008, was mailed by certified mail return receipt requested
26 to INTERESTED PARTIES.

27 9. On April 30, 2009, a "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 14,

1 2009 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED
2 PARTIES and was posted on THE PROPERTY on June 16, 2009.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on July 14, 2009 finds and concludes that:

6 1. WHEREAS, the accumulation of rubbish on the real property located at Corner of
7 Desert Cactus and 56th Avenue, Thermal, Riverside County, California, also identified as Assessor's
8 Parcel Number 757-070-049 violates Riverside County Ordinance No. 541 and constitutes a public
9 nuisance.

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

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

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
21 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
22 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
23 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
24 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
26 accordance with all Riverside County Ordinances, including but not limited to Riverside County
27 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
28 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a

1 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
2 authorizing entry onto THE PROPERTY when necessary under applicable law.

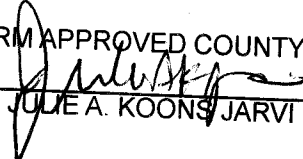
3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 541 and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

13
14 Dated: _____

COUNTY OF RIVERSIDE

15
16 By _____
17 Jeff Stone
18 Chairman, Board of Supervisors

18 ATTEST:
19 KECIA HARPER-IHEM
20 Clerk to the Board

21 FORM APPROVED COUNTY COUNSEL
22 BY:  8/3/09
23 JULIE A. KOONS JARVI DATE

24 By
25 Deputy
26 (SEAL)