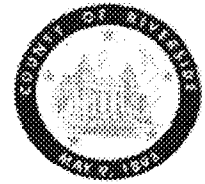


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



8088

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

**SUBMITTAL DATE:**  
January 28, 2010

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 08-06768 (PALOS)  
Subject Property: 1 Parcel on the Southeast Corner of Crest St. and Knoll Dr., Desert Hot Springs; APN 667-211-040  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06768 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 08-06768; 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 08-06768.

**BACKGROUND:**

On January 5, 2010 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 JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

BY:   
Tina Grande

**County Executive Office Signature**

Dept Recomm.:  Policy  Policy  
Per Exec. Ofc.:  Consent  Consent

Prev. Agn. Ref.: 01/05/10; 9.4 | District: 5 | Agenda Number:

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 Jarvi, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 08-06768  
[ACCUMULATION OF RUBBISH]; APN 667- )  
12 211-040, ONE PARCEL ON THE SOUTHEAST ) FINDINGS OF FACT,  
CORNER OF CREST STREET AND KNOLL ) CONCLUSIONS AND ORDER TO  
13 DRIVE, DESERT HOT SPRINGS, RIVERSIDE ) ABATE NUISANCE  
COUNTY, CALIFORNIA; GUILLERMO C. )  
14 PALOS AND ANTONIA PALOS, 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 January 5, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as One Parcel on the Southeast Corner of Crest Street and Knoll Drive, Desert  
20 Hot Springs, Riverside County, and further described as Assessor's Parcel Number 667-211-040  
21 referred to hereinafter as "THE PROPERTY."

22 Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code  
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the  
3 OWNERS of THE PROPERTY as Guillermo C. Palos and Antonia Palos ("OWNERS").

4 2. THE PROPERTY was inspected by Code Enforcement Officers on August 8, 2008,  
5 September 16, 2008, October 24, 2008, January 15, 2009, February 27, 2009, July 30, 2009 and  
6 January 4, 2010.

7 4. During each inspection, an accumulation of rubbish was observed on THE  
8 PROPERTY. The rubbish consisted of, but was not limited to: household rubbish, spent building  
9 materials and green waste.

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

12 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
13 County of Riverside, State of California on September 9, 2008 as instrument number 2008-0496406.

14 7. On February 27, 2009, a Notice of Violation was posted on THE PROPERTY. On  
15 September 4, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to  
16 OWNERS.

17 8. On July 29, 2009, a "Notice to Correct County Ordinance Violations and Abate Public  
18 Nuisance" providing notice of the public hearing before the Board of Supervisors on October 20,  
19 2009 was mailed by certified mail, return receipt requested, to the OWNERS and was posted on THE  
20 PROPERTY on July 30, 2009.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on January 5, 2010 finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel on  
25 the Southeast Corner of Crest Street and Knoll Drive, Desert Hot Springs, Riverside County,  
26 California, also identified as Assessor's Parcel Number 667-211-040 violates Riverside County  
27 Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, THE OWNERS, or any person having possession or control of the

1 premises should abate the condition by removing and disposing all accumulated rubbish from the  
2 subject real property in strict accordance with all Riverside County Ordinances, including but not  
3 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
23 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
24 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
25 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
26 collection and administrative costs, attorneys fees, and the costs associated with the removal or

27 ///

28 ///

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By \_\_\_\_\_  
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi 1/23/10  
DATE