

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

416 B



SUBMITTAL DATE:
March 25, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-06046 (THE PICKFORD PLACE, L.P.)
Subject Property: 1 Parcel South of 18850 Paintbrush Trail, Desert Hot Springs
APN 657-300-009
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06046 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 08-06046; 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 08-06046.

BACKGROUND:

On March 16, 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.

[Signature]

JULIE A. 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
BY: *[Signature]*
Tina Grande
County Executive Office Signature

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

X Consent Policy

Consent Policy

Prev. Agn. Ref.: 03/16/10; 9.6 | District: 5 | Agenda Number:

2.17

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. 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 08-06046
[ACCUMULATION OF RUBBISH]; APN 657-)
12 300-009, ONE PARCEL SOUTH OF 18850) FINDINGS OF FACT,
PAINTBRUSH TRAIL, DESERT HOT SPRINGS,) CONCLUSIONS AND ORDER TO
13 RIVERSIDE COUNTY, CALIFORNIA; THE) ABATE NUISANCE
PICKFORD PLACE, L.P., OWNER.)
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
15) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on March 16, 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 South of 18850 Paintbrush Trail, Desert Hot Springs, Riverside
20 County, and further described as Assessor's Parcel Number 657-300-009 referred to hereinafter as
21 "THE PROPERTY."

22 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner 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 OWNER
3 of THE PROPERTY as The Pickford Place, L.P. ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to-wit: RSR Farm, LLC ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 19, 2009,
7 November 20, 2009, February 11, 2010 and March 15, 2010.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: spent building materials, downed
10 trees, green waste, tires, furniture, automotive parts, asphalt, solid waste, metal piping, a riser valve,
11 household items and other miscellaneous items and debris.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on August 27, 2009 as instrument number 2009-0449594.

16 7. On June 19, 2009, a Notice of Violation was posted on THE PROPERTY. On
17 September 24, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
18 OWNER and INTERESTED PARTY.

19 8. On February 10, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
21 16, 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
22 PARTY and was posted on THE PROPERTY on February 11, 2010.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on March 16, 2010, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel
27 South of 18850 Paintbrush Trail, Desert Hot Springs, Riverside County, California, also identified as
28 Assessor's Parcel Number 657-300-009 violates Riverside County Ordinance No. 541 and constitutes

1 a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

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

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

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
Marion Ashley
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13
14 By

15 Deputy

16
17 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julia A. Moons Jarvi 3/23/10
DATE