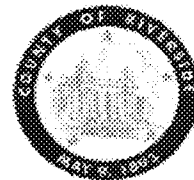


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

716B



SUBMITTAL DATE:
April 28 2010

FROM: County Counsel/TLMA
Code Enforcement Department

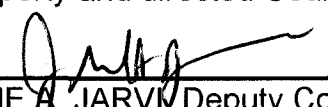
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-4538 (MOORE)
Subject Property: 64125 Mobile Road, Desert Hot Springs
APN 663-081-015
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4538 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 07-4538; 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 07-4538.

BACKGROUND:

On April 6, 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 A. JARVIN 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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY 
Tina Grande

County Executive Office Signature

Policy ☐ Policy ☐
Consent ☐ Consent ☐
X ☒

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

Prev. Agn. Ref.: 04/06/10; 9.6

District: 5

Agenda Number:

2.16

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-4538
14 [ACCUMULATION OF RUBBISH]; APN 663-)
15 081-015, 64125 MOBILE ROAD, DESERT HOT) FINDINGS OF FACT,
16 SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
17 CALIFORNIA; M.J. MOORE, OWNER.) ABATE NUISANCE
18)
19) [R.C.O. Nos. 541 (RCC Chapter 8.120)
20 and 725 (RCC Title 1)]
21)

22 The above-captioned matter came on regularly for hearing on April 6, 2010, before the Board
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
25 described as 64125 Mobile Road, Desert Hot Springs, Riverside County, and further described as
26 Assessor's Parcel Number 663-081-015 referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of 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 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as M.J. Moore ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Mission Springs Water District ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 22,
7 2009, December 2, 2009, February 26, 2010 and April 5, 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: green woody waste, tires, appliances,
10 furniture, mattresses, household items, scrap wood, household trash and other miscellaneous debris.

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

13 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
14 County of Riverside, State of California on April 22, 2008, as instrument number 2008-0199609.

15 7. On September 22, 2009, a Notice of Violation was posted on THE PROPERTY. On
16 September 25, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
17 OWNER and INTERESTED PARTY.

18 8. On February 24, 2010, a "Notice to Correct County Ordinance Violations and Abate
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on April 6,
20 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
21 PARTY and was posted on THE PROPERTY on February 26, 2010.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on April 6, 2010, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 64125 Mobile
26 Road, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number
27 663-081-015 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, OWNER, or any person having possession or control of the premises

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

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

9 **ORDER TO ABATE NUISANCE**

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

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

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

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13
14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY JULIE A. KOONS JARVI 9/13/10
DATE