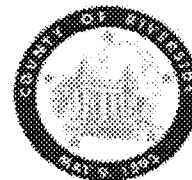


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

706B



SUBMITTAL DATE:
April 28, 2010

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No.: CV 09-05402 (CARBONI)
Subject Property: 15380 Elm Street, Cabazon
APN 528-240-007
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05402 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 09-05402; 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 09-05402.

BACKGROUND:

On April 20, 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 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande
Tina Grande

County Executive Office Signature

Dep't Recomm.: ☒ Policy
Per Exec. Ofc.: ☒ Policy
Consent ☒ Consent ☒

Prev. Agn. Ref.: 04/20/10; 9.7

District: 5

Agenda Number:

2.21

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**
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05402
[ACCUMULATION OF RUBBISH]; APN 528-)
12 240-007, 15380 ELM STREET, CABAZON,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; MARK A.) CONCLUSIONS AND ORDER TO
13 CARBONI, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on April 20, 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 15380 Elm Street, Cabazon, Riverside County, and further described as
20 Assessor's Parcel Number 528-240-007 referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

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 Code
27 Chapter 8.120.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Mark A. Carboni ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 24, 2009,
7 November 16, 2009, February 25, 2010 and April 16, 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: household trash, debris, wood,
10 furniture, plastic materials, glass bottles, clothing, discarded items and miscellaneous items.

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 August 25, 2009 as instrument number 2009-0443821.

15 7. On July 24, 2009, a Notice of Violation was posted on THE PROPERTY. On August
16 11, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER and
17 INTERESTED PARTY by certified mail, return receipt requested.

18 8. On February 25, 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 20,
20 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
21 PARTY and was posted on THE PROPERTY.

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 20, 2010, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 15380 Elm
26 Street, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-240-
27 007 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, THE OWNER, 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 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 _____
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14
15 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi DATE: 4/26/10