

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

407B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
October 6, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No: CV 10-01852 (ROACH)
Subject Property: 61785 Crest Street, Desert Hot Springs; APN: 667-211-043
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01852 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 10-01852 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 10-01852.

(Continued)


L. ALEXANDRA FONG, 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

County Executive Office Signature

Dep't Recomm.:
☐ Policy

☒ Consent

Per Exec. Ofc.:
☐ Policy

☒ Consent

Abatement of Public Nuisance
Case No. CV 10-01852; ROACH
61785 Crest Street, Desert Hot Springs
Page 2

BACKGROUND:

On September 28, 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 accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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

5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, 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 10-01852
[ACCUMULATION OF RUBBISH]; APN 667-)
12 211-043, 61785 CREST STREET, DESERT HOT) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; EDDIE LEE ROACH AND) ABATE NUISANCE
CHARLES ROACH, OWNERS.)
14) [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 September 28, 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 61785 Crest Street, Desert Hot Springs, Riverside County, and further
20 described as Assessor's Parcel Number 667-211-043 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners 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
3 OWNERS of THE PROPERTY as Eddie Lee Roach and Charles Roach ("OWNERS").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 5, 2010,
7 March 8, 2010, May 11, 2010, August 3, 2010 and September 23, 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: wood, trash, debris, furniture, barrels,
10 televisions, 15 tires and other 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 March 17, 2010 as instrument number 2010-0123088.

15 7. On March 8, 2010 a Notice of Violation was posted on THE PROPERTY. On March
16 31, 2010 a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS.

17 8. On August 2, 2010, a "Notice to Correct County Ordinance Violations and Abate
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
19 September 28, 2010 was mailed by certified mail, return receipt requested, to the OWNERS and was
20 posted on THE PROPERTY on August 3, 2010.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
23 regular session assembled on September 28, 2010, finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at 61785 Crest
25 Street, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number
26 667-211-043 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

27 2. WHEREAS, THE OWNERS, or any person having possession or control of the
28 premises shall abate the condition by removing and disposing all accumulated rubbish from the subject

1 real property in strict accordance with all Riverside County Ordinances, including but not limited to
2 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

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

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

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

27 ///

28 ///

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 10/6/10
DATE

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought
2 into 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
12 By

13 Deputy

14
15 (SEAL)