

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

207B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 15, 2011


SUBJECT: Abatement of Public Nuisance [Accumulated Rubbish]
Case No. : CV06-6500 [BENAVIDEZ]
Subject Property: 15785 Via Quedo, Desert Hot Springs; APN: 656-111-012
District: Five

RECOMMENDED MOTION: Move that:

1. The accumulation of rubbish on the real property located at 15785 Via Quedo, Desert Hot Springs, Riverside County, California, APN: 656-111-012 be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
2. Julio Benavidez, the owner of the subject real property, be directed to abate the accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

Departmental Concurrence

(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

- | | |
|---|---|
| Policy
<input checked="" type="checkbox"/> | Policy
<input checked="" type="checkbox"/> |
| Consent
<input type="checkbox"/> | Consent
<input type="checkbox"/> |

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

Prev. App. Ref. | District: 5 | Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

9.2

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3. If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the accumulation of rubbish by removing and disposing of the same from the real property.

4. The reasonable cost of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.

5. County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance No. 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on March 31, 2010. The inspection revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541. The rubbish consisted of, but was not limited to: broken tree limbs, dried vegetation, household trash, discarded auto parts, broken pieces of furniture, truck mounted camper shell, broken kitchen appliances, broken furniture and motorcycle/ATV parts.

2. Subsequent inspections of the above-described real property on May 20, 2010, August 5, 2010, November 23, 2010, February 4, 2011, February 15, 2011, April 6, 2011 and August 30, 2011, revealed the property continues to be in violation of Riverside County Ordinance No. 541.

3. Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of accumulated rubbish.