

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

516B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 06-6500 [BENAVIDEZ]
Subject Property: 15785 Via Quedo, Desert Hot Springs; APN: 656-111-012
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6500 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 06-6500; 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 06-6500.

(Continued)

PATRICIA MUNROE, 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

- Consent
- Policy
- Consent
- Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance
Case Nos.: CV 06-6500 [BENAVIDEZ]
15785 Via Quedo, Desert Hot Springs
APN#656-111-012
District 5
Page 2

BACKGROUND:

On September 27, 2011, 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:
Patricia Munroe, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-6500
[ACCUMULATION OF RUBBISH]; APN 656-)
12 111-012, 15785 VIA QUEDO, DESERT HOT) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; JULIO BENAVIDEZ, OWNER.) ABATE NUISANCE
14) R.C.O. Nos. 541 and 725
15)

16 The above-captioned matter came on regularly for hearing on September 27, 2011, 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 15785 Via Quedo, Desert Hot Springs, Riverside County, and further described
20 as Assessor's Parcel Number 656-111-012 referred to hereinafter as "THE PROPERTY."

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

23 Owner appeared but did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together with the
25 attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance
26 and violation of Riverside County Ordinance No. 541.

27 **SUMMARY OF EVIDENCE**

28 1. Documents of record in the Riverside County Recorder's Office identify the OWNER

1 of THE PROPERTY as Julio Benavidez (“OWNER”).

2 2. Documents of title indicate that other parties potentially hold a legal interest in THE
3 PROPERTY, to-wit: Caroline M. Bauer, International Fidelity Insurance Co., Argent Mortgage
4 Company, LLC, Lexington National Insurance Corp., Steven Mehr, Associated Bond and Insurance
5 Agency, Inc., and Mission Springs Water District (“INTERESTED PARTIES”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 31, 2010,
7 May 20, 2010, August 5, 2010, November 23, 2010, February 4, 2011, February 15, 2011, April 6,
8 2011, August 30, 2011 and September 26, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: broken tree limbs, dried vegetation,
11 household trash, discarded auto parts, broken pieces of furniture, truck mounted camper shell, broken
12 kitchen appliances and motorcycle/ATV parts.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on June 22, 2007 as instrument number 2007-0409468.

17 7. On March 31, 2010, a Notice of Violation was posted on THE PROPERTY. On
18 August 11, 2010, Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNER, INTERESTED PARTIES and TENANT.

20 8. On August 24, 2011, a “Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
22 September 27, 2011 was mailed by certified mail, return receipt requested, to the OWNER and
23 INTERESTED PARTIES and was posted on THE PROPERTY on August 30, 2011.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on September 27, 2011, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 15785 Via
28 Quedo, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel

1 Number 656-111-012 violates Riverside County Ordinance No. 541 and constitutes a public
2 nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy

(SEAL)