

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

519B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-13023 [BRINKLEY]
Subject Property: 64050 Desert Sands Rd., Desert Hot Springs;
APN: 663-090-010; District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-13023 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 09-13023; 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 09-13023.

(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 09-13023 [BRINKLEY]
64050 Desert Sands Rd., Desert Hot Springs
APN# 663-090-010
District 5
Page 2

BACKGROUND:

On September 20, 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)
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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 09-13023
[ACCUMULATION OF RUBBISH]; APN 663-)
12 090-010, 64050 DESERT SANDS RD., DESERT) FINDINGS OF FACT,
HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; J.D. BRINKLEY, OWNER.) ABATE NUISANCE
14)
R.C.O. Nos. 541 and 725
15)

16 The above-captioned matter came on regularly for hearing on September 20, 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 64050 Desert Sands Rd., Desert Hot Springs, Riverside County, and further
20 described as Assessor’s Parcel Number 663-090-010 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 did not appear.

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 J.D. Brinkley (“OWNER”).

2 2. Documents of title indicate that other parties potentially hold a legal interest in THE
3 PROPERTY, to-wit: Willie M. Batts and Bernice M. Batts (collectively referred to as
4 “INTERESTED PARTIES”).

5 3. THE PROPERTY was inspected by Code Enforcement Officers on December 22,
6 2009, March 10, 2010, April 29, 2010, June 17, 2010, August 13, 2010, October 6, 2010, December
7 8, 2010, January 26, 2011, March 22, 2011, April 15, 2011 and August 30, 2011.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: old and broken furniture, clothing,
10 auto parts, lumber, green waste, utensils, household trash, chain link fencing, cabinetry, wheel
11 barrels, tires, unusable chairs and other miscellaneous items.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on March 15, 2011, as instrument number 2011-0117151.

16 7. On December 22, 2009 and August 13, 2010, a Notice of Violation was personally
17 served to Eva Hallmark, wife of OWNER. On August 18, 2010, a Notice of Violation was mailed by
18 OWNER and on March 24, 2011 was mailed to INTERESTED PARTIES.

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

23 FINDINGS AND CONCLUSIONS

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on September 20, 2011, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 64050 Desert
27 Sands Rd., Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel
28 Number 663-090-010 violates Riverside County Ordinance No. 541 and constitutes a public

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 Bob Buster
10 Chairman, Board of Supervisors

11 ATTEST:
12 KECIA HARPER-IHEM
13 Clerk to the Board

14 By
15 Deputy

16
17 (SEAL)

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