

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

116B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV10-09396 [PALM INV. GROUP, LLC]
Subject Property: 51909 Maxine Drive, Cabazon; APN: 528-033-011
District: 5/5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396.

BACKGROUND:

Summary

On March 18, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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 (Continued)

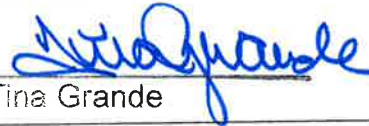


PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS:				Budget Adjustment:	
				For Fiscal Year:	

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 03/18/14; 9.2 District: 5/5 Agenda Number:

2-14

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV10-09396 [PALM INV. GROUP, LLC]

Subject Property: 51909 Maxine Drive, Cabazon, APN: 528-033-011

District: 5/5 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-09396
12 [ACCUMULATION OF RUBBISH];)
13 APN 528-033-011, 51909 MAXINE DRIVE,) FINDINGS OF FACT,
14 CABAZON, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; PALM INVESTMENT GROUP,) ABATE NUISANCE
16 LLC., OWNER.)
17)
18) R.C.O. Nos. 541 and 725
19)
20)
21)

22 The above-captioned matter came on regularly for hearing on March 18, 2014, before the
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
25 property described as 51909 Maxine Drive, Cabazon, Riverside County, and further described as
26 Assessor’s Parcel Number 528-033-011 referred to hereinafter as “THE PROPERTY.”

27 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
28 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner did not appear.

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

///

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER
3 of THE PROPERTY as Palm Investment Group, LLC (“OWNER”).

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 December 22,
7 2010, and on 37 subsequent inspections, the last being December 31, 2013.

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, spent building
10 materials, green waste, automobile parts, a mattress, and four tires.

11 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
12 No. 541 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 January 28, 2011, as instrument number 2011-0046776.
15 A Notice of Pendency of Administrative Proceedings was recorded in the Office of the County
16 Recorder, County of Riverside, State of California on December 17, 2013 as Instrument Number
17 2013-0584270.

18 7. On December 22, 2010, Notice of Violation was posted on THE PROPERTY. On
19 January 27, 2011, May 9, 2011 and March 4, 2013, Notice of Violation was mailed to OWNER by
20 certified mail, return receipt requested.

21 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
22 providing notice of the public hearing before the Board of Supervisors on March 18, 2014, was
23 mailed to OWNER and was posted on THE PROPERTY.

24 FINDINGS AND CONCLUSIONS

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on March 18, 2014, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 51909
28 Maxine Drive, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number

1 528-033-011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

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

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

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

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

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Jeff Stone
9 Chairman, Board of Supervisors

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

13 By
14 Deputy

15
16 (SEAL)

17
18
19
20
21
22
23
24
25
26
27
28