

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE: 10/23/14

Departmental Concurrence

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

4048



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
 11/18/2014

SUBJECT: Abatement of Public Nuisance [Accumulated Rubbish]
 Case No: CV12-06012 [CURCI/ MCNEELY]
 Subject Property: 64200 Sherman Way, Desert Hot Springs; APN: 663-070-042
 District: 5/5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The accumulation of rubbish on the real property located at 64200 Sherman Way, Desert Hot Springs, Riverside County, California, APN: 663-070-042 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. Betty Curci and Kathy McNeely, the owners 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.

[Signature]
 GREG FLANNERY
 Code Enforcement Official

(Continued)

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

SOURCE OF FUNDS Budget Adjustment: _____
 For Fiscal Year: _____

C.E.O. RECOMMENDATION: APPROVE
 BY: *[Signature]*
 Tina Grande
 County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: _____ District: 5/5 Agenda Number: _____

9-4

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

FORM 11: Abatement of Public Nuisance [Accumulated Rubbish]

Case No: CV12-06012 [CURCI/MCNEELY]

Subject Property: 64200 Sherman Way, Desert Hot Springs; APN: 663-070-042

District: 5/5

DATE: 11/18/2014

PAGE: 2 of 3

RECOMMENDED MOTION (continued):

3. If the owners or whoever has possession or control of the real property do 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 costs 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 Fact 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 on the subject property by Code Enforcement Officer Jamison Cole on November 16, 2012. The Inspection revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance 541. The rubbish consisted of, but was not limited to: discarded furniture, household rubbish, plastic containers, scrap wood, tires, a jacuzzi, toys, clothes and miscellaneous items.

2. There have been approximately 11 subsequent follow up inspections, with the last inspection being September 11, 2014, 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 notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of accumulated rubbish.

Impact on Citizens and Businesses

Failure to abate will have a negative impact on citizens or businesses due to health and safety hazards, nuisance, and potential impact on real estate values.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

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FORM 11: Abatement of Public Nuisance [Accumulated Rubbish]

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PAGE: 3 of 3

ATTACHMENTS

Exhibits

A-G

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

3	IN RE ABATEMENT OF PUBLIC NUISANCE)	CASE NO. CV 12-06012
4	[ACCUMULATED RUBBISH]; APN: 663-070-042,)	
4	64200 SHERMAN WAY, DESERT HOT SPRINGS,)	DECLARATION OF CODE
5	COUNTY OF RIVERSIDE, STATE OF)	ENFORCEMENT TECHNICIAN
5	CALIFORNIA; BETTY CURCI AND KATHY)	DAVID JURDEN
6	MCNEELY, OWNERS.)	
6)	[RCO No. 541]
7)	

I, David Jurden, declare that the facts set forth below are personally known to me except to the extent that certain information is based on information and belief which I believe to be true, and if called as a witness, I could and would competently testify thereof under oath:

1. I am currently employed by the Riverside County Code Enforcement Department as a Code Enforcement Technician. My current official duties as a Code Enforcement Technician include inspecting properties for violations and enforcement of the provisions of Riverside County Ordinances.

2. I am informed and believe and thereon allege that on November 16, 2012, Officer Jamison Cole conducted an inspection on the real property described as 64200 Sherman Way, Desert Hot Springs, Riverside County, California and further described as Assessor's Parcel Number 663-070-042, (hereinafter described as "THE PROPERTY"). A true and correct copy of a Thomas Brothers map page indicating the location of THE PROPERTY is attached hereto and incorporated herein by reference as Exhibit "A."

3. A review of County records and documents disclosed that THE PROPERTY is owned by Betty Curci and Kathy McNeely (hereinafter referred to as "OWNERS"). A certified copy of the County Equalized Assessment Roll for 2014-2015 tax year and a copy of the report generated from the County Geographic Information System ("GIS") is attached hereto and incorporated herein by reference as Exhibit "B." THE PROPERTY is approximately 0.27 acres in size and is located within the W-2-M (Controlled Development Area with Mobilehomes) zone. Accumulated Rubbish is not permitted to be located on any property within the County of Riverside.

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FORM APPROVED COUNTY COUNSEL

DATE 10/23/14
BY SOPHIA H. GHOLG

1 4. Based on the Lot Book Report from RZ Title Service dated June 19, 2013 and updated on
2 May 14, 2014, it is determined that other parties may potentially hold an interest in THE PROPERTY, to
3 wit: Gil Martinez, Mission Springs Water District, Joseph D. Blodgett (hereinafter referred to as
4 "INTERESTED PARTIES"). True and correct copies of the Lot Book Reports are attached hereto and
5 incorporated herein by reference as Exhibit "C."

6 5. I am informed and believe and thereon allege that on November 16, 2012, Officer
7 Jamison Cole conducted an initial inspection. Officer Cole observed accumulated rubbish, on THE
8 PROPERTY which consisted of, but was not limited to the following materials: discarded furniture,
9 household rubbish, plastic containers, scrap wood, tires, a jacuzzi, toys, clothes and miscellaneous
10 items.

11 6. As a result of the accumulated rubbish, THE PROPERTY constituted a public nuisance in
12 violation of the provisions set forth in Riverside County Ordinance ("RCO") No. 541.

13 7. On November 16, 2012 and August 28, 2014, a Notice of Violation for accumulated
14 rubbish was posted on THE PROPERTY.

15 8. On July 23, 2013, a Notice of Violation was mailed to OWNERS and INTERESTED
16 PARTIES by certified mail, return receipt requested. On August 27, 2014, a Notice of Violation was
17 mailed to OWNERS by certified mail, return receipt requested.

18 9. A site plan and photographs depicting the conditions of THE PROPERTY are attached
19 hereto and incorporated herein by reference as Exhibit "D."

20 10. A true and correct copy of each Notice issued in this matter and other supporting
21 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

22 11. There have been approximately 11 subsequent follow up inspections, with the last
23 inspection being September 11, 2014. At each of these inspections, accumulated rubbish was observed
24 and consisted of, but was not limited to: discarded furniture, household rubbish, plastic containers, scrap
25 wood, a jacuzzi, toys, clothes and miscellaneous items. Each of these inspections has revealed that THE
26 PROPERTY continues to be in violation of RCO 541.

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1 12. Based upon my experience, knowledge and visual observations, it is my determination
2 that the conditions on THE PROPERTY are dangerous to the neighboring property owners and the
3 general public.

4 13. I am informed and believe and based upon said information and beliefs allege that the
5 OWNERS do not have legal authority or permission to store or accumulate the above described
6 materials on THE PROPERTY.

7 14. A Notice of Pendency of Administrative Proceedings regarding the accumulated rubbish
8 was recorded in the Office of the County Recorder, County of Riverside, State of California, on August
9 15, 2013, as Instrument Number 2013-0400664. A true and correct copy is attached hereto and
10 incorporated herein by reference as Exhibit "F."

11 15. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing
12 notification of the Board of Supervisors' hearing as required by RCO No. 725 was mailed to OWNERS
13 and INTERERSTED PARTIES by first class mail and was posted on THE PROPERTY. True and correct
14 copies of the Notices, together with the Proofs of Service, and the Affidavit of Posting of Notices are
15 attached hereto and incorporated herein by reference as Exhibit "G."

16 16. Removal of all accumulated rubbish on THE PROPERTY is required to bring THE
17 PROPERTY into compliance with RCO No. 541, and the Health and Safety Code. Under RCO No. 541,
18 no amount of rubbish is allowed to accumulate on THE PROPERTY.

19 17. Accordingly, the following findings and conclusions are recommended:

20 (a) the accumulation of rubbish on THE PROPERTY be deemed and declared a
21 public nuisance;

22 (b) the OWNERS or whoever has possession or control of THE PROPERTY, be
23 required to remove all accumulated rubbish within ninety (90) days of the date of the posting and mailing
24 of the Board's Order to Abate Nuisance, in accordance with all Riverside County Ordinances, including
25 but not limited to the provision of RCO No. 541;

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1 (c) in the event the rubbish is not removed and disposed of during the above
2 referenced ninety (90) day time period in strict accordance with all Riverside County Ordinances,
3 including but not limited to RCO No. 541, the rubbish may be abated and disposed of by representatives
4 of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
5 receipt of an owner's consent or a Court Order when necessary under applicable law.

6 (d) that reasonable costs of abatement, after notice and opportunity for hearing, shall
7 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
8 PROPERTY pursuant to Government Code Section 25845 and RCO No. 541.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed this 1st day of OCTOBER, 2014, at SAN JACINTO, California

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13 _____
14 DAVID JURDEN
15 Code Enforcement Technician
16 Code Enforcement Department
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