

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

808 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2015

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV12-06012 [CURCI/MCNEELY]
Subject Property: 64200 Sherman Way, Desert Hot Springs; APN: 663-070-042
District: 5 [\$0.00]

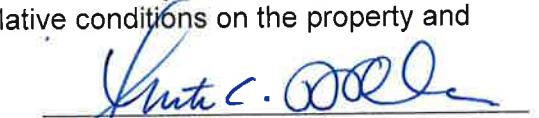
- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06012;
 2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06012; and
 3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06012.

BACKGROUND:

Summary

On December 2, 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)


ANITA C. WILLIS
Assistant County Counsel

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

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

Prev. Agn. Ref.: 12/02/14; 9.4 | District: 5 | Agenda Number:

2-20

Departmental Concurrence

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

FORM 11: Order to Abate [Accumulated Rubbish];

Case No. CV12-06012 [CURCI/MCNEELY]

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

District: 5 [\$0.00]

DATE: January 13, 2015

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

5 WHEN RECORDED PLEASE MAIL TO:
Michelle Cervantes, Senior Code Enforcement Officer
6 Regina Keyes, Senior Code Enforcement Officer
CODE ENFORCEMENT DEPARTMENT
7 4080 Lemon Street, Twelfth Floor (Stop #1012)
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 12-06012
[ACCUMULATION OF RUBBISH];)
12 APN 663-070-042, 64200 SHERMAN WAY,) FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
13 CALIFORNIA; BETTY CURCI AND KATHY) ABATE NUISANCE
MCNEELY, OWNERS.)
14) R.C.O. Nos. 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on December 2, 2014, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 64200 Sherman Way, Desert Hot Springs, Riverside County, and further
21 described as Assessor's Parcel Number 663-070-042 referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Betty Curci and Kathy McNeely (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Gil Martinez, Mission Springs Water District, and Joseph D. Blodgett
6 (hereinafter referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 16,
8 2012, and on twelve (12) additional occasions, the last being November 25, 2014.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: discarded furniture, household
11 rubbish, plastic containers, scrap wood, tires, a Jacuzzi, toys, clothes and 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 Pendency of Administrative Proceedings was recorded in the Office of
15 the County Recorder, County of Riverside, State of California on August 15, 2013, as instrument
16 number 2013-0400664.

17 7. On November 16, 2012 and August 28, 2014, a Notice of Violation was posted on
18 THE PROPERTY. On July 23, 2013, a Notice of Violation was mailed to OWNERS and
19 INTERESTED PARTIES by certified mail, return receipt requested. On August 27, 2014, a Notice
20 of Violation was mailed to OWNERS by 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 December 2, 2014, was
23 mailed to OWNERS and INTERESTED PARTIES 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 December 2, 2014, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 64200
28 Sherman Way, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel

1 Number 663-070-042 violates Riverside County Ordinance No. 541 and constitutes a public
2 nuisance.

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

7 3. WHEREAS, the OWNERS and INTERESTED PARTIES ARE FURTHER
8 NOTICED that the time within which judicial review of the administrative determinations made
9 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
10 Conclusions and Order to Abate Nuisance, and is governed by California Code of Civil Procedure
11 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 OWNERS or anyone having possession or control of THE PROPERTY, by removing and
15 disposing of all rubbish from the subject real property in strict accordance with all Riverside County
16 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
17 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 _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By
Deputy

(SEAL)