

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

708B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 15, 2015

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV11-06535 [CHAVEZ]
Subject Property: 1 Parcel North of 64580 16th Avenue, North Palm Springs
APN: 666-070-014
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. CV11-06535;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06535; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06535.

BACKGROUND:

Summary

On March 24, 2015, 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 (Continued)

GREGORY P. PRIAMOS
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

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

Prev. Agn. Ref.: 03/24/15; 9.1

District: 5

Agenda Number:

2-7

Departmental Concurrence

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

Case No. CV11-06535 [CHAVEZ]

Subject Property: 1 Parcel North of 64580 16th Avenue, North Palm Springs

APN: 666-070-014

District: 5 [\$0.00]

DATE: April 15, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

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 11-06535
[ACCUMULATION OF RUBBISH];)
12 APN 666-070-014, 1 PARCEL NORTH OF 64580) FINDINGS OF FACT,
16TH AVENUE, NORTH PALM SPRINGS,) CONCLUSIONS AND ORDER TO
13 RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
14 YOLANDA MURILLO CHAVEZ,) R.C.O. Nos. 541 and 725
OWNER.)
15
16

17 The above-captioned matter came on regularly for hearing on March 24, 2015, 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 1 Parcel North of 64580 16th Avenue, North Palm Springs, Riverside County,
21 California and further described as Assessor's Parcel Number 666-070-014 referred to hereinafter as
22 "THE PROPERTY."

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

25 Owner did not appear.

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

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER
3 of THE PROPERTY as Yolanda Murillo Chavez (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: State of California Franchise Tax Board (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 29,
7 2011 and on twenty (20) additional occasions, the last being March 12, 2015.

8 4. During each inspection, an accumulation of rubbish was observed on THE
9 PROPERTY. The rubbish consisted of, but was not limited to: wood and trash in excess of 400
10 square feet.

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 Pendency of Administrative Proceedings was recorded in the Office of
14 the County Recorder, County of Riverside, State of California on December 16, 2011, as instrument
15 number 2011-0556502.

16 7. On September 29, 2011, a Notice of Violation was posted on THE PROPERTY. On
17 October 12, 2011, a Notice of Violation was mailed to OWNER by first class mail.

18 8. On July 11, 2014, a Notice of Violation was mailed to OWNER by certified mail,
19 return receipt requested and was posted on THE PROPERTY on July 15, 2014.

20 9. On August 26, 2014, a Notice of Violation was mailed to OWNER by certified mail,
21 return receipt requested and was posted on THE PROPERTY on August 27, 2014.

22 10. On December 12, 2014, a Notice of Violation was mailed to INTERESTED PARTY
23 by certified mail, return receipt requested and was posted on THE PROPERTY.

24 11. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors on March 24, 2015, was
26 mailed to OWNER and INTERESTED PARTY and was posted on THE PROPERTY.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 24, 2015, finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 1 Parcel North of 64580 16th Avenue, North Palm Springs, Riverside County, California, also identified as Assessor's Parcel Number 666-070-014 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

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

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

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1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
5 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
6 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
7 collection and administrative costs, attorneys fees, and the costs associated with the removal or
8 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
9 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
10 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
Marion Ashley
Chairman, Board of Supervisors

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board

18
19
20 By

21 Deputy

22
23 (SEAL)