

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

5113



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 21, 2016

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-01166 [BURROWS]
Subject Property: 16160 Avenida Rambla, Desert Hot Springs
APN: 657-181-034
District: 4 [\$0]

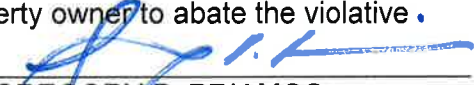
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01166;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01166; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01166.

BACKGROUND:

Summary

On March 29, 2016, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative. (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

Departmental Concurrence

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

Prev. Agn. Ref.: 3/30/16; 9.4

District: 4

Agenda Number:

2-3

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

FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]

Case No. CV14-01166 [BURROWS]

Subject Property: 16160 Avenida Rambla, Desert Hot Springs

APN: 657-181-034

District: 4 [\$0]

DATE: April 21, 2016

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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:
6 Michelle Cervantes, Senior Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-01166
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];)
13 APN 657-181-034, 16160 AVENIDA RAMBLA,) FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; HENRY B. BURROWS, OWNER.) ABATE NUISANCE
15) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on March 29, 2016, 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 16160 Avenida Rambla, Desert Hot Springs, Riverside County, Assessor's Parcel
21 Number 657-181-034 and 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 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
27 rubbish on THE PROPERTY as violations of Riverside County Ordinance ("RCO") Nos. 348 and
28 541 and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Henry B. Burrows (“OWNER”).

4 2. Documents of title indicate that no other parties appear to potentially hold a legal
5 interest in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 24, 2014,
7 and on ten (10) subsequent follow up inspections, with the last being March 21, 2016.

8 4. During each inspection an accumulation of rubbish and excess outside storage was
9 observed throughout THE PROPERTY consisting of but not limited to: metal, plastic, wood,
10 furniture, household items, clothes, blankets and personal items of about 1,200 square feet.

11 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
12 Nos. 348 and 541 by the Code Enforcement Officer.

13 6. On September 18, 2014, a Notice of Pendency of Administrative Proceedings was
14 recorded at the Riverside County Recorder’s Office as instrument number 2014-0354114.

15 7. On April 24, 2014 and June 4, 2015, Notices of Violation were posted on THE
16 PROPERTY. On April 25, 2014, June 24, 2014, December 18, 2014, April 17, 2015, and June 23,
17 2015, Notices of Violation were mailed to OWNER by first class mail.

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

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
23 regular session assembled on March 29, 2016, finds and concludes that:

24 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
25 on the real property located at 16160 Avenida Rambla, Desert Hot Springs, Riverside County,
26 California, also identified as Assessor's Parcel Number 657-181-034 violates RCO Nos. 348 and 541
27 and constitutes a public nuisance.

28 2. WHEREAS, the OWNER, occupants and any other person having possession or

1 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
2 materials by removing and disposing of all rubbish and excessive outside storage on THE
3 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
4 RCO Nos. 348 and 541 within ninety (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
11 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
12 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
13 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
14 limited to RCO Nos. 348 and 541, within ninety (90) days of the posting and mailing of this Order to
15 Abate Nuisance.

16 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
17 storage of materials are not removed and disposed of in strict accordance with all Riverside County
18 Ordinances, including but not limited to RCO Nos. 348 and 541 within ninety (90) days of the date
19 of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of
20 materials may be abated and disposed of by representatives of the Riverside County Code
21 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
22 consent or a Court Order when necessary under applicable law.

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.
26 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
27 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
28 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,

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

5

6 Dated: _____

COUNTY OF RIVERSIDE

7

By _____

8

John J. Benoit
Chairman, Board of Supervisors

9

10

ATTEST:

11

KECIA HARPER-IHEM

12

Clerk to the Board

13

14

By

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Deputy

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(SEAL)

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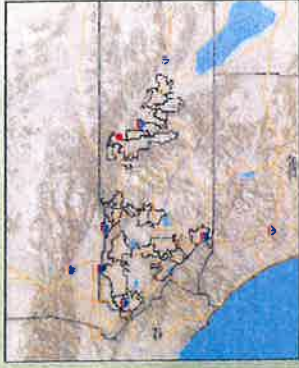
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28

CV14-01166

16160 Avenida Rambla APN: 657-181-034



Legend

- TBM Page
- TBM Grid
- City Boundaries
- Cities
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers

Notes

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Grid B1

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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