

802B

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 25, 2016

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-03373 [ESTATE OF EDWARDS]
Subject Property: 3 Lots East of 63695 Paseo Yucca Vista, Desert Hot Springs
APN: 664-250-026
District: 5 [\$0]

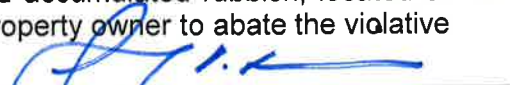
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03373;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03373; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03373.

BACKGROUND:

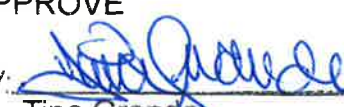
Summary

On April 26, 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

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

Departmental Concurrence

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

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

Case No. CV14-03373 [ESTATE OF EDWARDS]

Subject Property: 3 Lots East of 63695 Paseo Yucca Vista, Desert Hot Springs

APN: 664-250-026

District: 5 [\$0]

DATE: May 25, 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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

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

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-03373
12 [EXCESSIVE OUTSIDE STORAGE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 664-250-026, 3 LOTS EAST OF 63695) CONCLUSIONS AND ORDER TO
15 PASEO YUCCA VISTA, RIVERSIDE COUNTY,) ABATE NUISANCE
16 CALIFORNIA; ESTATE OF EDWARDS,)
OWNER.) R.C.O. Nos. 348, 541 and 725

17 The above-captioned matter came on regularly for hearing on April 26, 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 as 3 Lots East of 63695 Paseo Yucca Vista, Desert Hot Springs, Riverside
21 County, Assessor's Parcel Number 664-250-026 and referred to hereinafter as "THE PROPERTY."

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

24 An interested party, Brian Edwards, appeared but did not address the Board of Supervisors.

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 Estate of Jane A. Edwards ("OWNER").

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest
5 in THE PROPERTY, to wit: Jane A. Edwards, Trustee of the Jane A. Edwards Trust dated May 29,
6 1986 and Brian Edwards (hereinafter referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 14,
8 2014, and on five (5) subsequent follow up inspections, with the last being April 21, 2016.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: green waste, spent building
11 material, irrigation pipe, and water well piping of about 9,180 square feet.

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

14 6. On March 24, 2015, a Notice of Pendency of Administrative Proceedings was
15 recorded at the Riverside County Recorder's Office as instrument number 2015-0117271.

16 7. On November 14, 2014, a Notice of Violation was posted on THE PROPERTY. On
17 January 13, 2015, a Notice of Violation was mailed to OWNER and INTERESTED PARTY Brian
18 Edwards by certified mail, return receipt requested, and was posted on THE PROPERTY on January
19 21, 2015.

20 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
21 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
22 INTERESTED PARTIES and was posted on THE PROPERTY.

23 FINDINGS AND CONCLUSIONS

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on April 26, 2016, finds and concludes that:

26 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
27 on the real property located at 3 Lots East of 63695 Paseo Yucca Vista, Desert Hot Springs,
28 Riverside County, California, also identified as Assessor's Parcel Number 664-250-026 violates RCO

1 Nos. 348 and 541 and constitutes a public nuisance.

2 2. WHEREAS, the OWNER, occupants and any other person having possession or
3 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
4 materials by removing and disposing of all rubbish and excessive outside storage on THE
5 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
6 RCO Nos. 348 and 541 within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

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

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

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.

1 348, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses
2 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
3 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
4 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
5 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
6 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
7 Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)