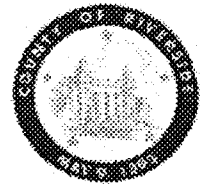


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

708B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-01990 (TRIPOLI)
Subject Property: 1 Parcel North of 15925 Via Vista, Desert Hot Springs
APN 656-112-016
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01990 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01990; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-01990.

BACKGROUND:

On December 15, 2009 this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the accumulation of 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 directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 26, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

Prev. Agn. Ref.: 12/15/09; 9.10 ATTACHED TO FILED District: 5 Agenda Number:

WITH THE CLERK OF THE BOARD

2.22

Departmental Concurrence

Policy ☐

Consent ☒

Dep't Recomm.: ☐

Policy ☐

Consent ☒

Per Exec. Ofc.: ☐



RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
Board of Supervisors
(Stop #1010)

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHGCC						T:	CTY	UNI	513

WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:
[ACCUMULATION OF RUBBISH]; APN 656-
112-016, ONE PARCEL NORTH OF 15925 VIA
VISTA, DESERT HOT SPRINGS, RIVERSIDE
COUNTY, CALIFORNIA; BILL TRIPOLI,
OWNER.

CASE NO. CV 09-01990

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 15, 2009, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as One Parcel North of 15925 Via Vista, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 656-112-016 referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

2010-0035270
01/27/2010 08:00A
2 of 5



SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the OWNER of THE PROPERTY as Bill Tripoli ("OWNER").

2. THE PROPERTY was inspected by the Code Enforcement Technician on June 17, 2009, July 2, 2009, August 4, 2009, October 7, 2009 and December 14, 2009.

3. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: household rubbish, spent building materials, green waste, tires, broken furniture and a television and miscellaneous household items.

4. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

5. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on June 30, 2009 as instrument number 2009-0336827.

7. On June 17, 2009 and July 2, 2009, Notices of Violation were posted on THE PROPERTY. On June 24, 2009, Notice of Violation was mailed by certified mail, return receipt requested to OWNER.

8. On October 6, 2009, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 15, 2009 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE PROPERTY on October 7, 2009.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 15, 2009 finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel North of 15925 Via Vista, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 656-112-016 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

///

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ten (10) days of the date of this Order to Abate Nuisance.

3
4 Dated: January 26, 2010

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board
10

11
12 By James Ahumada
13 Deputy
14

15 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi 1/27/10
DATE



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrelkrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 1 Parcel North of 15925 Via Vista, Desert Hot Springs
Case No.: CV 09-01990; APN: 656-112-016; District 5

BILL TRIPOLI
6 DEVONSHIRE LANE
BALLSTON LAKE, NY 12019

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>Bill Tripoli</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>BILL TRIPOLI 6 DEVONSHIRE LN BALLSTONE LAKE, NY 12019 CV09-01990 *FOF* TRIPOLI 1</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery 3-5-10</p>
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

7009 1680 0000 9025 3628

Domestic Return Receipt

102595-02-M-1540

PROOF OF SERVICE

Case Nos. CV09-01990

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(see attached notice list)**

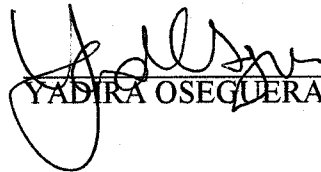
XX BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON March 1, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

April 15, 2010

RE CASE NO: CV0901990

I, Thomas Cervantes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 04-14-2010 at 11:47 AM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 1 parcel North of 15925 Via Vista, Desert Hot Springs

Assessor's Parcel Number: 656-112-016

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Thomas Cervantes, Code Enforcement Officer