

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



808B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 28, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-06768 (PALOS)
Subject Property: 1 Parcel on the Southeast Corner of Crest St. and Knoll Dr., Desert
Hot Springs; APN 667-211-040
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06768 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 08-06768; 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 08-06768.

BACKGROUND:

On January 5, 2010 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:

County Executive Office Signature

Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione 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: February 9, 2010
xc: Co.Co.(3); Recorder

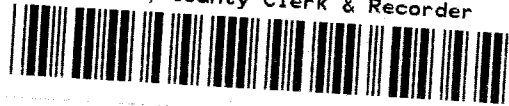
Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

Prev. Agn. Ref.: 01/05/10; ATTACHMENT 13

Agenda Number:

WITH THE CLERK OF THE BOARD

2.13



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
nchgy cc						T:	CTY	UNI	509

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 667-
211-040, ONE PARCEL ON THE SOUTHEAST
CORNER OF CREST STREET AND KNOLL
DRIVE, DESERT HOT SPRINGS, RIVERSIDE
COUNTY, CALIFORNIA; GUILLERMO C.
PALOS AND ANTONIA PALOS, OWNERS.

CASE NO. CV 08-06768

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 January 5, 2010, 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 on the Southeast Corner of Crest Street and Knoll Drive, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 667-211-040 referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owners did not appear.

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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Guillermo C. Palos and Antonia Palos ("OWNERS").

4 2. THE PROPERTY was inspected by Code Enforcement Officers on August 8, 2008,
5 September 16, 2008, October 24, 2008, January 15, 2009, February 27, 2009, July 30, 2009 and
6 January 4, 2010.

7 4. During each inspection, an accumulation of rubbish was observed on THE
8 PROPERTY. The rubbish consisted of, but was not limited to: household rubbish, spent building
9 materials and green waste.

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

12 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
13 County of Riverside, State of California on September 9, 2008 as instrument number 2008-0496406.

14 7. On February 27, 2009, a Notice of Violation was posted on THE PROPERTY. On
15 September 4, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to
16 OWNERS.

17 8. On July 29, 2009, a "Notice to Correct County Ordinance Violations and Abate Public
18 Nuisance" providing notice of the public hearing before the Board of Supervisors on October 20,
19 2009 was mailed by certified mail, return receipt requested, to the OWNERS and was posted on THE
20 PROPERTY on July 30, 2009.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
23 regular session assembled on January 5, 2010 finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel on
25 the Southeast Corner of Crest Street and Knoll Drive, Desert Hot Springs, Riverside County,
26 California, also identified as Assessor's Parcel Number 667-211-040 violates Riverside County
27 Ordinance No. 541 and constitutes a public nuisance.

28 2. WHEREAS, THE OWNERS, or any person having possession or control of the



1 premises should abate the condition by removing and disposing all accumulated rubbish from the
2 subject real property in strict accordance with all Riverside County Ordinances, including but not
3 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

9 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
10 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
11 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
12 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
13 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

27 ///

28 ///



FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 1/20/10
DATE

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: February 9, 2010

COUNTY OF RIVERSIDE

6
7 By Marion Ashley
8 Marion Ashley
9 Chairman, Board of Supervisors

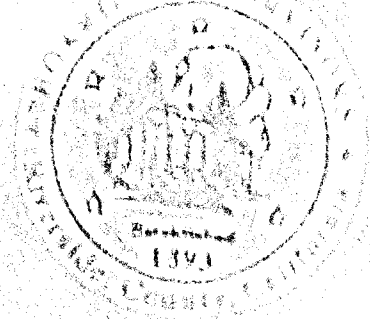
10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By David Johnson
14 Deputy

15
16 (SEAL)



2010-0065339
02/11/2010 08:00A
4 of 5



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

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

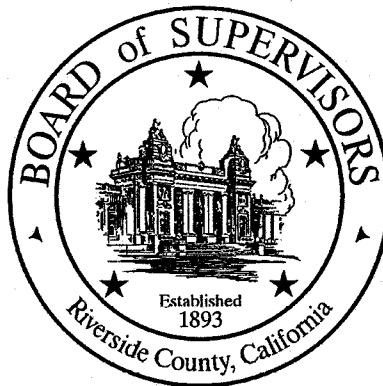
<http://riverside.asrclrec.com>

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:

2-9-10

Signature:

Sandi Schlemmer

Print Name:

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



NOTICE LIST

Subject Property: 1 Parcel on the Southeast Corner of Crest St. and Knoll Dr., Desert Hot Springs

Case No.: CV 08-06768; APN: 667-211-040; District 5

GUILLERMO C. PALOS
ANTONIA PALOS
275 W. RENWICK RD.
AZUSA, CA 91702

SENDER, COMPLETE THIS		RECEIVED BY ADDRESSEE 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.		A. Signature <i>Antonia Palos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addresssee	
1. Article Addressed to: GUILLERMO PALOS ANTONIA PALOS 275 W. RENWICK RD. AZUSA, CA. 91702 CV08-06768 *FOF* PALOS 1		B. Received by (Printed Name) <i>Antonia Palos</i>	C. Date of Delivery <i>3-05-10</i>
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		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.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7009 3410 0000 1318 0168	

PROOF OF SERVICE

Case Nos. CV08-06768

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 2, 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)

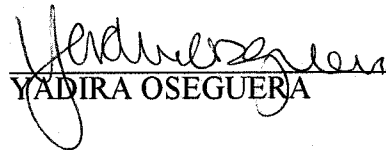
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 2, 2010, at Riverside, California.


YADIRA OSEGUERA

**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2010

RE CASE NO: CV0806768

I, Hector Herrera, 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 03/04/2010 at 9:04 am, I securely and conspicuously posted Finding of facts and order to abate nuisance. at the property described as:

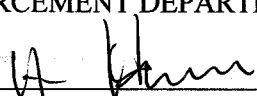
Property Address: Parcel on S/E c/o Crest St & Knoll Dr, Desert Hot Springs

Assessor's Parcel Number: 667-211-040

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

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Hector Herrera, Sr. Code Enforcement Officer