

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

716B



SUBMITTAL DATE:
April 28 2010


FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-4538 (MOORE)
Subject Property: 64125 Mobile Road, Desert Hot Springs
APN 663-081-015
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4538 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 07-4538; 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 07-4538.

BACKGROUND:

On April 6, 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 A. JARVIN, 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

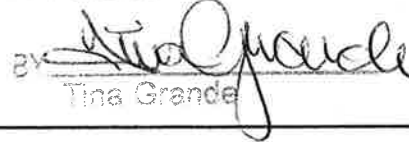
SOURCE OF FUNDS:

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

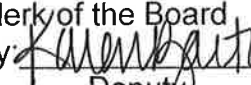

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: May 18, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 04/06/10; 9.6

District: 5

Agenda Number:

2.16



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	508

WHEN RECORDED PLEASE MAIL TO:
Julie A. 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 663-
081-015, 64125 MOBILE ROAD, DESERT HOT
SPRINGS, RIVERSIDE COUNTY,
CALIFORNIA; M.J. MOORE, OWNER.

CASE NO. CV 07-4538

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 April 6, 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 64125 Mobile Road, Desert Hot Springs, Riverside County, and further described as Assessor's Parcel Number 663-081-015 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.

///

2010-0231053
05/13/2010 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 M.J. Moore ("OWNER").

2. Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to-wit: Mission Springs Water District ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on September 22, 2009, December 2, 2009, February 26, 2010 and April 5, 2010.

4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: green woody waste, tires, appliances, furniture, mattresses, household items, scrap wood, household trash and other miscellaneous debris.

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

6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on April 22, 2008, as instrument number 2008-0199609.

7. On September 22, 2009, a Notice of Violation was posted on THE PROPERTY. On September 25, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER and INTERESTED PARTY.

8. On February 24, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED PARTY and was posted on THE PROPERTY on February 26, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 6, 2010, finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 64125 Mobile Road, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 663-081-015 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, OWNER, or any person having possession or control of the premises

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

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

9 **ORDER TO ABATE NUISANCE**

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

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

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



FORM APPROVED COUNTY COUNSEL
BY: Julia Koons Jarvi 4/13/10
DATE

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: May 18, 2010

COUNTY OF RIVERSIDE

6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:
8
9 KECIA HARPER-IHEM
10 Clerk to the Board

12 By Karen B. Gutierrez
13 Deputy

15 (SEAL)



2010-0231053
05/19/2010 08:09A
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.asrcclrec.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:

5-18-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 64125 Mobile Road, Desert Hot Springs
Case No.: CV 07-4538; APN: 663-081-015; District 5

M. J. MOORE
1151 DON QUIXOTE DR.
RANCHO MIRAGE, CA 92270

MISSION SPRINGS WATER DISTRICT
66575 SECOND ST.
DESERT HOT SPRINGS, CA 92240

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

CERTIFIED MAIL

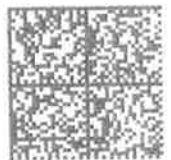


7009 3410 0000 1318 3817

Delivered 6-9
M J MOORE
1151 DON QUIXOTE DR
RANCHO MI 92270

9250103644

NIXIE 923 DE 1 00 06/10/10
RETURN TO SENDER
UNABLE TO FORWARD
BC: 925010364405 *1004-02500-00-39



UNITED STATES POSTAGE
02 1P
\$005.710
JUN 08 2010
0003958246
MAILED FROM ZIP CODE 92501
PITNEY BOWES

PROOF OF SERVICE

Case No. CV 07-4538

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 June 8, 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 June 8, 2010, at Riverside, California.


BRENDA PEELER

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

MISSION SPRINGS WATER DISTRICT
66575 SECOND ST
DESERT HOT SPRINGS CA 92240


2. Article
(Trans

PS Form

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X



☐ Agent

☐ Addressee

B. Received by (Printed Name)

Lexi Pelton

C. Date of Delivery

6/9/10

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

CV 07-4538 (MORRE) FF 2



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 9, 2010

RE CASE NO: CV074538

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 06-09-2010 at 10:49 AM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 64125 Mobile Road, DESERT HOT SPRINGS

Assessor's Parcel Number: 663-081-015

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

Executed on June 9, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Thomas Cervantes, Code Enforcement Officer