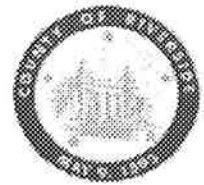


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

706B



**FROM:** County Counsel/TLMA  
Code Enforcement Department  
**SUBJECT:** Order to Abate [Accumulation of Rubbish]  
Case No.: CV 09-05402 (CARBONI)  
Subject Property: 15380 Elm Street, Cabazon  
APN 528-240-007  
District Five

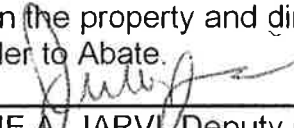
**SUBMITTAL DATE:**  
April 28, 2010

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05402 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 09-05402; 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 09-05402.

**BACKGROUND:**

On April 20, 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. 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 ☐

Requires 4/5 Vote ☐

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

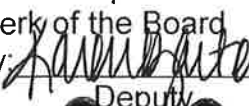
County Executive Office Signature

  
Tina Grande

**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.: 04/20/10; 9.7

District: 5

Agenda Number:

2.21

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

DOC # 2010-0231824  
05/19/2010

Customer Copy Label  
The paper to which this label is  
affixed has not been compared  
with the recorded document

Larry W Ward  
County of Riverside  
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie A. Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:  
14 [ACCUMULATION OF RUBBISH]; APN 528-  
15 240-007, 15380 ELM STREET, CABAZON,  
16 RIVERSIDE COUNTY, CALIFORNIA; MARK A.  
17 CARBONI, OWNER.

CASE NO. CV 09-05402

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

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

18 The above-captioned matter came on regularly for hearing on April 20, 2010, before the  
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
21 property described as 15380 Elm Street, Cabazon, Riverside County, and further described as  
22 Assessor's Parcel Number 528-240-007 referred to hereinafter as "THE PROPERTY."

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

25 Owner did not appear.

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

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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 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

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.

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Dated: May 18, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karen B. Gutten  
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi DATE 5/26/10



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:

5-18-10

Signature:

*Karen Barton*

Print Name:

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