

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



202B

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
September 16, 2010

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No: CV 06-6220 (COLE)  
Subject Property: 1 Parcel South of 68711 Dillon Road, Desert Hot Springs  
APN: 656-380-013; District: 5

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6220 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 06-6220; 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 06-6220.

(Continued)

*L. Alexandra Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

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

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

APPROVE

*Tina Grande*  
BY: Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: September 28, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

Dept Recomm.:  
Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance  
Case No. CV 06-6220; COLE  
1 Parcel South of 68711 Dillon Road, Desert Hot Springs  
Page 2

**BACKGROUND:**

On August 31, 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 accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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

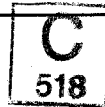


5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

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[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 06-6220  
 12 [ACCUMULATION OF RUBBISH]; APN 656- )  
 13 380-013, ONE PARCEL SOUTH OF 68711 ) FINDINGS OF FACT,  
 14 DILLON ROAD, DESERT HOT SPRINGS, ) CONCLUSIONS AND ORDER TO  
 15 RIVERSIDE COUNTY, CALIFORNIA; JIMMY ) ABATE NUISANCE  
 16 COLE, OWNER. )  
 17 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
 18 ) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on August 31, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as One Parcel South of 68711 Dillon Road, Desert Hot Springs, Riverside  
20 County, and further described as Assessor's Parcel Number 656-380-013 referred to hereinafter as  
21 "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner, Jimmy Cole appeared and addressed the Board of Supervisors.

25 The Board of Supervisors received the Declaration of Code Enforcement Officer together  
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public  
27 nuisance and violation of Riverside County Ordinance No. 54i, as codified in Riverside County Code  
28 Chapter 8.120.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER  
3 of THE PROPERTY as Jimmy Cole ("OWNER").

4 2. THE PROPERTY was inspected by the Code Enforcement Officer on November 16,  
5 2009, January 5, 2010, February 10, 2010, March 10, 2010, May 12, 2010, July 16, 2010, and  
6 August 26, 2010.

7 3. During each inspection, an accumulation of rubbish was observed on THE  
8 PROPERTY. The rubbish consisted of, but was not limited to: green waste, spent building materials,  
9 paint cans, 55 gallon barrels and tires.

10 4. 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 5. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
13 County of Riverside, State of California on December 24, 2009 as instrument number 2009-0660810.

14 6. On November 16, 2009 and January 5, 2010, Notices of Violation were posted on  
15 THE PROPERTY. On December 28, 2009, a Notice of Violation was mailed by certified mail, return  
16 receipt requested to OWNER.

17 7. On May 11, 2010, a "Notice to Correct County Ordinance Violations and Abate  
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on August  
19 31, 2010 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE  
20 PROPERTY on May 12, 2010.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on August 31, 2010 finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel  
25 South of 68711 Dillon Road, Desert Hot Springs, Riverside County, California, also identified as  
26 Assessor's Parcel Number 656-380-013 violates Riverside County Ordinance No. 541 and constitutes  
27 a public nuisance.

28 ///



2010-0464777  
09/29/2010 08:00A  
2 of 5



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.

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Dated: September 28, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

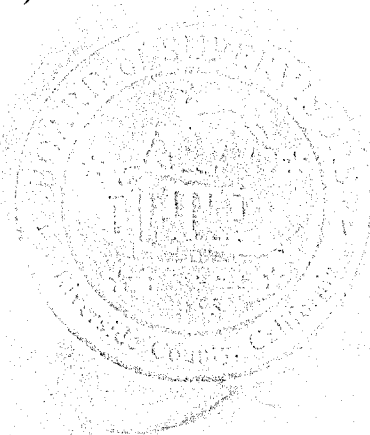
ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karen Ogata  
Deputy

(SEAL)



FORM APPROVED COUNTY COUNSEL  
BY: ALEXANDRA FONG DATE 9/19/10



2010-0464777  
09/28/2010 08:00A  
4 of 5



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

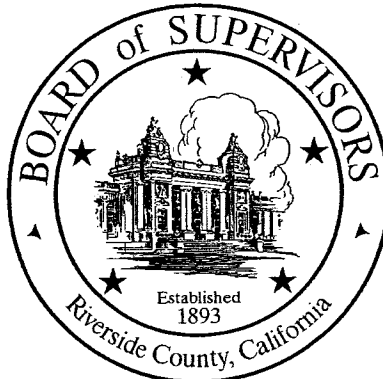
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrclrec.com>

**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:

09-28-10

Signature:

*Karen Barton*

Print Name:

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



# NOTICE LIST

Subject Property: 1 Parcel South of 68711 Dillon Road, Desert Hot Springs  
Case No.: CV 06-6220; APN: 656-380-013; District 5

JIMMY COLE  
16236 KASOTA CT.  
APPLE VALLEY, CA 92307

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> <i>Jimmy Cole</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  JIMMY COLE 16236 KASOTA CT. APPLE VALLEY, CA 92307  <i>CV 06-6220 (COK) PG 1</i>	B. Received by (Printed Name) <i>Jimmy Cole</i>	C. Date of Delivery <i>10-22-10</i>
2. Article Number (Transfer from service label)	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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7009 3410 0000 1317 9209	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



1 **PROOF OF SERVICE**

2 Case No. CV 06-6220

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed  
5 in the County of Riverside, over the age of 18 years and not a party to the within action or  
6 proceeding; that my business address is 3960 Orange Street, 5<sup>th</sup> Floor, Riverside, California 92501-  
3674.

7 That on Oct. 20, 2010, I served the following document(s):

8 **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

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

10 **OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

11 XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"  
12 with the office's practice of collection and processing correspondence for mailing. Under  
13 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.

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

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

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

18 EXECUTED ON Oct. 20, 2010, at Riverside, California.

19   
20 BRENDA PEELER

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**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

October 21, 2010

RE CASE NO: CV066220

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 10/21/2010 at 1:47 PM, I securely and conspicuously posted Findings of Facts at the property described as:

**Property Address:** 0 1 PARCEL SOUTH OF (68711 DILLON RD),, SOUTHEAST DESERT HOT SPRI\*

**Assessor's Parcel Number:** 656-380-013

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

Executed on October 21, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Thomas Cervantes, Code Enforcement Officer