

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

5168



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 06-6500 [BENAVIDEZ]
Subject Property: 15785 Via Quedo, Desert Hot Springs; APN: 656-111-012
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6500 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 06-6500; 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 06-6500.

(Continued)

PATRICIA MUNROE, 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:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, 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: October 25, 2011
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Consent Policy
 Consent Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case Nos.: CV 06-6500 [BENAVIDEZ]
15785 Via Quedo, Desert Hot Springs
APN#656-111-012
District 5
Page 2

BACKGROUND:

On September 27, 2011, 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)



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHS	EXAM
NCHG CC						T:	CTY	UNI	522

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-6500
 12 [ACCUMULATION OF RUBBISH]; APN 656-)
 13 111-012, 15785 VIA QUEDO, DESERT HOT) FINDINGS OF FACT,
 14 SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
 15 CALIFORNIA; JULIO BENAVIDEZ, OWNER.) ABATE NUISANCE
)
) R.C.O. Nos. 541 and 725
)

16 The above-captioned matter came on regularly for hearing on September 27, 2011, 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 15785 Via Quedo, Desert Hot Springs, Riverside County, and further described
20 as Assessor's Parcel Number 656-111-012 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner appeared but did not address the Board of Supervisors.

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

SUMMARY OF EVIDENCE

28 1. Documents of record in the Riverside County Recorder's Office identify the OWNER

1 of THE PROPERTY as Julio Benavidez (“OWNER”).

2 2. Documents of title indicate that other parties potentially hold a legal interest in THE
3 PROPERTY, to-wit: Caroline M. Bauer, International Fidelity Insurance Co., Argent Mortgage
4 Company, LLC, Lexington National Insurance Corp., Steven Mehr, Associated Bond and Insurance
5 Agency, Inc., and Mission Springs Water District (“INTERESTED PARTIES”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 31, 2010,
7 May 20, 2010, August 5, 2010, November 23, 2010, February 4, 2011, February 15, 2011, April 6,
8 2011, August 30, 2011 and September 26, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: broken tree limbs, dried vegetation,
11 household trash, discarded auto parts, broken pieces of furniture, truck mounted camper shell, broken
12 kitchen appliances and motorcycle/ATV parts.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on June 22, 2007 as instrument number 2007-0409468.

17 7. On March 31, 2010, a Notice of Violation was posted on THE PROPERTY. On
18 August 11, 2010, Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNER, INTERESTED PARTIES and TENANT.

20 8. On August 24, 2011, a “Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
22 September 27, 2011 was mailed by certified mail, return receipt requested, to the OWNER and
23 INTERESTED PARTIES and was posted on THE PROPERTY on August 30, 2011.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on September 27, 2011, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 15785 Via
28 Quedo, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel



1 Number 656-111-012 violates Riverside County Ordinance No. 541 and constitutes a public
2 nuisance.

3 2. WHEREAS, the OWNER, or any person having possession or control of the premises
4 shall abate the condition by removing and disposing all accumulated rubbish from the subject real
5 property in strict accordance with all Riverside County Ordinances, including but not limited to
6 Riverside County Ordinance No. 541 within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate



1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

6
7 Dated: October 25, 2011

COUNTY OF RIVERSIDE

8
9 By Bob Buster
Bob Buster
Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13
14
15 By Kaunigan
16 Deputy

17
18 (SEAL)



2011-0488359
10/31/2011 12:28P
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)

2011-0480359
10/31/2011 12:56P
5 of 5



Date: 10-25-11

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board

NOTICE LIST

Subject Property: 15785 Via Quedo, Desert Hot Springs

Case No.: CV 06-6500

APN: 656-111-012; District Five

JULIO BENAVIDEZ
15785 VIA QUEDO
DESERT HOT SPRINGS CA 92240

CAROLINE M. BAUER
ROUTE 1 BOX 129
WHITEWATER CA 92282

MICHAEL ADAN BENAVIDEZ
15785 VIA QUEDO
DESERT HOT SPRINGS CA 92240

GABRIELA E PEREZ
MICHAEL BENAVIDEZ
15785 VIA QUEDO
DESERT HOT SPRINGS CA 92240

NEW CENTURY TITLE/
ARGENT MORTGAGE COMPANY LLC
PO BOX 5047
ROLLING MEADOWS IL 60008

LEXINGTON NATIONAL INSURANCE
CORP
200 EAST LEXINGTON STREET
SUITE 501
BALTIMORE MARYLAND 21202

STEVEN MEHR
515 S HARBOR BLVD
ANAHEIM CA 92805

ASSOCIATED BOND AND INSURANCE
AGENCY INC
23901 CALABASAS ROAD
SUITE 1085
CALABASAS CA 91302-3303

MISSION SPRINGS WATER DISTRICT
66575 SECOND STREET
DESERT HOT SPRINGS CA 92240
ATTN FINANCE DEPARTMENT

INTERNATIONAL FIDELITY INS CO
C/O ASSOCIATED BOND AND
INSURANCE AGENCY INC
23901 CALABASAS ROAD
SUITE 1085
CALABASAS CA 91302-3303

PROOF OF SERVICE

Case No. CV06-6500

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 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on November 16, 2011, 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 FIRST CLASS MAIL.** 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 November 16, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 17, 2011

RE CASE NO: CV066500

I, Thomas Cervantes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 38686 El Cerrito Road, Suite 200, Palm Desert, California 92211 .

That on 11/17/2011 at 10:07 AM, I securely and conspicuously posted Findings of Facts at the property described as:

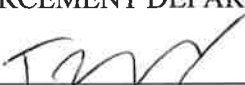
Property Address: 15785 VIA QUEDO, DSRT HOT SPG

Assessor's Parcel Number: 656-111-012

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

Executed on November 17, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Thomas Cervantes, Code Enforcement Officer