

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

902B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 23, 2012

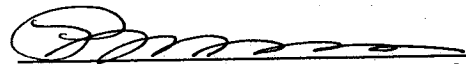
SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 10-07038 [CHURCH OF JESUS CHRIST IN INDIO]
Subject Property: 64398 Binnie Street, Desert Hot Springs; APN: 663-140-033
District: Five/Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-07038 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 10-07038; 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 10-07038.

(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"/>

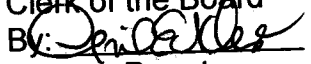
C.E.O. RECOMMENDATION: APPROVE
BY: 
Tina Grande
County Executive Office Signature

Policy
 Policy
 Consent
 Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, 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: June 5, 2012
xc: Co.Co.; Recorder

Kecia Harper-Ihem
 Clerk of the Board
 BY: 
 Deputy

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.9

Dep't Recomm.:
 Per Exec. Ofc.:

NOTICE LIST

Subject Property: 64398 Binnie Street, Desert Hot Springs
Case No.: CV 10-07038; APN: 663-140-033; District 5/5

CHURCH OF JESUS CHRIST IN INDIO
64398 BINNIE STREET
DESERT HOT SPRINGS CA 92240

CHURCH OF JESUS CHRIST IN INDIO
PO BOX 1754
INDIO CA 92201

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

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 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 10-07038
12 [ACCUMULATION OF RUBBISH];)
13 APN 663-140-033, 64398 BINNIE STREET,) FINDINGS OF FACT,
14 DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; CHURCH OF JESUS CHRIST IN) ABATE NUISANCE
16 INDIO, OWNER.)
17) R.C.O. Nos. 541 and 725
18)
19)
20)

21 The above-captioned matter came on regularly for hearing on May 1, 2012, before the Board
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
24 described as 64398 Binnie Street, Desert Hot Springs, Riverside County, and further described as
25 Assessor's Parcel Number 663-140-033 referred to hereinafter as "THE PROPERTY."

26 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising
27 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 Owner 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.

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COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Church of Jesus Christ in Indio ("OWNER").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 24,
7 2010, November 8, 2010, December 17, 2010, January 27, 2011, March 18, 2011, June 16, 2011,
8 July 27, 2011, September 2, 2011, October 5, 2011, October 26, 2011 and March 21, 2012.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood, construction materials
11 and tires.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on December 14, 2010, as instrument number 2010-
16 0599137.

17 7. On September 24, 2010, Notice of Violation was posted on THE PROPERTY. On
18 September 29, 2010, August 17, 2011 and November 16, 2011, Notices of Violation were mailed by
19 certified mail, return receipt requested to OWNER.

20 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
21 providing notice of the public hearing before the Board of Supervisors on May 1, 2012, was mailed
22 to OWNER and was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on May 1, 2012, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 64398 Binnie
27 Street, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number
28 663-140-033 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

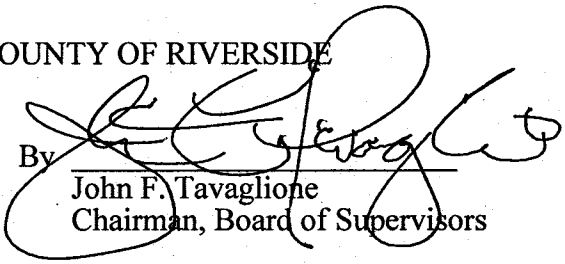
21 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
22 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
23 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
24 County Ordinance Nos. 541 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

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

Dated: 6-5-12

COUNTY OF RIVERSIDE

By 
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board


By
Deputy

(SEAL)



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

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

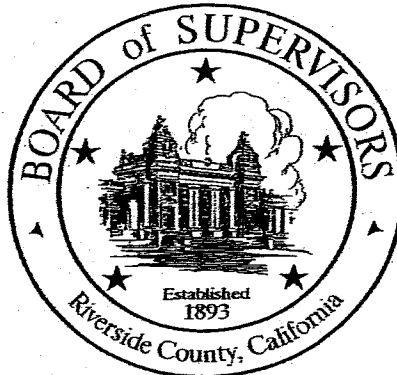
<http://riverside.asrclrec.com>

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: 6-5-12

Signature: April Eckles

Print Name: April Eckles , Board Assistant, Riverside County Clerk of the Board

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert MABEE

Address: 3086 Mibuel ST
(only if follow-up mail response requested)

City: Riverside **Zip:** _____

Phone #: 788-4858

Date: _____ **Agenda #** 2-9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____