

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

110B



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

**SUBMITTAL DATE:**  
April 9, 2014

**SUBJECT:** Order to Abate [Accumulated Rubbish];  
Case No. CV10-09396 [PALM INV. GROUP, LLC]  
Subject Property: 51909 Maxine Drive, Cabazon; APN: 528-033-011  
District: 5/5 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09396.

**BACKGROUND:**

**Summary**

On March 18, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and 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 (Continued)

\_\_\_\_\_  
PATRICIA MUNROE  
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	Budget Adjustment:
	For Fiscal Year:

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

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: April 22, 2014  
xc: TLMA/Co.Co. Code Enforc., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 03/18/14; 9.2 | District: 5/5 | Agenda Number:

**2-14**

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV10-09396 [PALM INV. GROUP, LLC]

Subject Property: 51909 Maxine Drive, Cabazon, APN: 528-033-011

District: 5/5 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

**BACKGROUND:**

**Summary (continued)**

directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

**Impact on Citizens and Businesses**

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Findings of Fact

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

**DOC # 2014-0150651**  
04/25/2014

**Customer Copy Label**

The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

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

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
9 4080 Lemon Street, Twelfth Floor (Stop #1012)  
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 10-09396
	[ACCUMULATION OF RUBBISH];	)	
12	APN 528-033-011, 51909 MAXINE DRIVE,	)	FINDINGS OF FACT,
	CABAZON, RIVERSIDE COUNTY,	)	CONCLUSIONS AND ORDER TO
13	CALIFORNIA; PALM INVESTMENT GROUP,	)	ABATE NUISANCE
	LLC., OWNER.	)	
14		)	R.C.O. Nos. 541 and 725
		)	
15		)	

16  
17 The above-captioned matter came on regularly for hearing on March 18, 2014, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 51909 Maxine Drive, Cabazon, Riverside County, and further described as  
21 Assessor's Parcel Number 528-033-011 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code  
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

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. 541.

28 ///

**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 Palm Investment Group, LLC ("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 December 22,  
7 2010, and on 37 subsequent inspections, the last being December 31, 2013.

8 4. During each inspection, an accumulation of rubbish was observed on THE  
9 PROPERTY. The rubbish consisted of, but was not limited to: household trash, spent building  
10 materials, green waste, automobile parts, a mattress, and four tires.

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

13 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
14 County of Riverside, State of California on January 28, 2011, as instrument number 2011-0046776.  
15 A Notice of Pendency of Administrative Proceedings was recorded in the Office of the County  
16 Recorder, County of Riverside, State of California on December 17, 2013 as Instrument Number  
17 2013-0584270.

18 7. On December 22, 2010, Notice of Violation was posted on THE PROPERTY. On  
19 January 27, 2011, May 9, 2011 and March 4, 2013, Notice of Violation was mailed to OWNER by  
20 certified mail, return receipt requested.

21 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
22 providing notice of the public hearing before the Board of Supervisors on March 18, 2014, was  
23 mailed to OWNER and was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on March 18, 2014, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 51909  
28 Maxine Drive, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number

1 528-033-011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

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

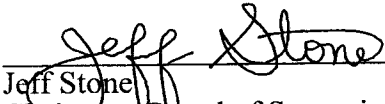
16 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
17 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
18 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish  
19 may be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

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

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
3 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4  
5 Dated: April 22, 2014

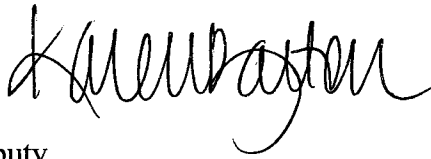
COUNTY OF RIVERSIDE

6  
7 By   
8 Jeff Stone  
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By   
14 Deputy

15  
16 (SEAL)



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

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

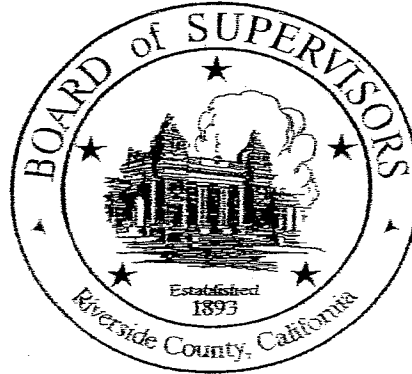
<http://riverside.assclrec.com>

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)



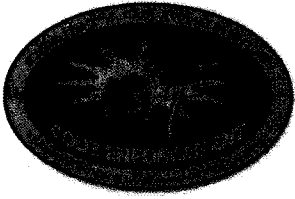
Date:

4-22-14

Signature:

Print Name:

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



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

Greg Flannery  
Code  
Enforcement  
Official

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**AFFIDAVIT OF POSTING OF NOTICES**

**Case No.: CV10-09396**

**I, David Jurden, hereby declare:**

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside  
Code Enforcement Department  
581 S. Grand Avenue  
San Jacinto, CA 92582

2. That on **May 13, 2014 at 1005 AM**, I securely and conspicuously posted the **Findings of Fact, Conclusions and Order to Abate Nuisance** at the property described as:


**Property Address: 51909 Maxine Drive, Canazon**

**Assessor's Parcel Number: 528-033-011**

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

Executed on **May 13, 2014** at San Jacinto, California.

**CODE ENFORCEMENT DEPARTMENT**

By:   
**David Jurden, Code Enforcement Technician**

*Palm  
WV*



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**PROOF OF SERVICE**

Case No. CV10-09396 Palm Investment Group

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501.

That on May 6, 2014, 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 May 6, 2014, at Riverside, California.

  
\_\_\_\_\_  
STACY BAMGARTNER  
CODE ENFORCEMENT OFFICER III

*Palm Inv*

## NOTICE LIST

Subject Property: 51909 Maxine Dr., Cabazon; Case No.: CV10-09396  
APN: 528-033-011; District 5/5 Palm Inv.

**PALM INVESTMENT GROUP, LLC**  
**P.O. BOX 24066**  
**LOS ANGELES, CA 90024**