

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

305B



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

**SUBMITTAL DATE:**  
AUGUST 11, 2016

**SUBJECT:** Order to Abate [Accumulated Rubbish]  
Case No. CV13-00889 [MAPP]  
Subject Property: 52332 Date Avenue, Cabazon; APN: 528-113-022  
District: 5 [\$0]

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00889;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00889; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00889.

**BACKGROUND:**

Summary

On June 21, 2016, 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)

GREGORY P. PRIAMOS  
County Counsel

Departmental Concurrence

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

|                         |                           |
|-------------------------|---------------------------|
| <b>SOURCE OF FUNDS:</b> | <b>Budget Adjustment:</b> |
|                         | 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 Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
Nays: None  
Absent: None  
Date: August 23, 2016  
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

Prev. Agn. Ref.: 06/21/16; 9.5 | District: 5 | Agenda Number:

**2-14**

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

**FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV13-00889 [MAPP]

Subject Property: 52332 Date Avenue, Cabazon, APN: 528-113-022

District: 5 [\$0]

DATE: August 11, 2016

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

**2016-0378776**

09/01/2016 11:03 AM

\*\*\*Customer Copy Label\*\*\*

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Peter Aldana  
County Of Riverside  
Assessor-County Clerk-Recorder

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

5 WHEN RECORDED PLEASE MAIL TO:  
Michelle Cervantes, Senior Code Enforcement Officer  
6 Regina Keyes, Senior Code Enforcement Officer  
CODE ENFORCEMENT DEPARTMENT  
7 4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 13-00889  
[ACCUMULATION OF RUBBISH]; )  
12 APN 528-113-022, 52332 DATE AVENUE, ) FINDINGS OF FACT,  
CABAZON, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
13 CALIFORNIA; ALVIN MAPP AND VIVIAN ) ABATE NUISANCE  
MAPP, OWNERS. )  
14 ) R.C.O. Nos. 541 and 725  
15 )  
16 )

17 The above-captioned matter came on regularly for hearing on June 21, 2016, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described as 52332 Date Avenue, Cabazon, Riverside County, and further described as Assessor's  
21 Parcel Number 528-113-022 referred to hereinafter as "THE PROPERTY."

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

24 Owners 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.

**COPY**

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the  
3 OWNERS of THE PROPERTY as Alvin Mapp and Vivian Mapp ("OWNERS").

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 October 27, 2014,  
7 and on nine (9) subsequent inspections, the last occurring on June 13, 2016.

8 4. During each inspection, an accumulation of rubbish was observed on THE  
9 PROPERTY. The rubbish consisted of, but was not limited to: portions of a burnt mobile home  
10 frame and debris from a fire, discarded furniture, household items, plastic play sets, green waste,  
11 clothing and carpet, of about 2,250 square feet.

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 Pendency of Administrative Proceedings was recorded in the Office of  
15 the County Recorder, County of Riverside, State of California on August 15, 2013, as instrument  
16 number 2013-0400657.

17 7. On October 29, 2014, a Notice of Violation was posted on THE PROPERTY. On  
18 February 26, 2015, a Notice of Violation was mailed to OWNERS by certified mail, return receipt  
19 requested and by first class mail.

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 June 21, 2016, was mailed  
22 to OWNERS 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 June 21, 2016, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 52332 Date  
27 Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-  
28 113-022 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

5 3. WHEREAS, the OWNERS ARE FURTHER NOTICED that the time within which  
6 judicial review of the administrative determinations made herein must be sought is ninety (90) days  
7 from the posting and mailing of the Findings of Fact, Conclusions and Order to Abate Nuisance, and  
8 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 OWNERS 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.

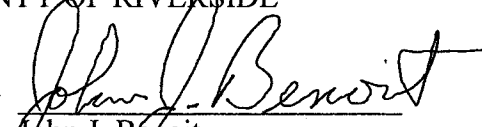
21 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
22 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
23 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
24 County Ordinance Nos.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

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: August 23, 2016

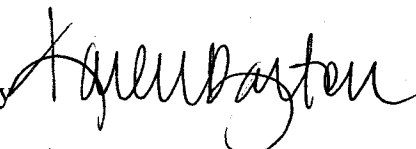
COUNTY OF RIVERSIDE

By   
John J. Benoit  
Chairman, Board of Supervisors

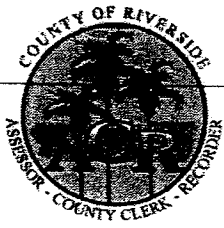
ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By   
Deputy

(SEAL)



**PETER ALDANA**  
**COUNTY OF RIVERSIDE**  
**ASSESSOR-COUNTY CLERK-RECORDER**

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

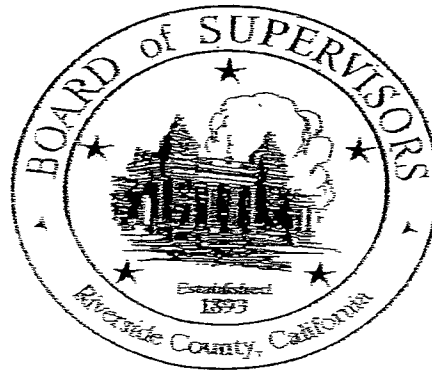
www.riversideacr.com

**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:

8-23-16

Signature:

*Karen Barton*

Print Name:

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