

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

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FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE:
March 20, 2006

SUBJECT: Order to Abate [Substandard Structure, Excess Outside Storage and Rubbish];
B&S Case No.: CV 05-0085
Subject Property: 22500 Fawnridge Drive, Palm Springs; APN: 669-204-003
District Five

RECOMMENDED MOTION: Move that:

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-0085 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 05-0085; 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 05-0085.

BACKGROUND:

On March 14, 2006 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 substandard structure, excess outside storage and 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 the Findings of Fact, Conclusion and Order to Abate.

[Handwritten Signature]
TIFFANY N. NORTH,
Deputy 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**

County Executive Office Signature

[Handwritten Signature]

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 5

Agenda Number:

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 05-0085
[SUBSTANDARD STRUCTURE, EXCESS)	
OUTSIDE STORAGE AND RUBBISH]; APN)	FINDINGS OF FACT,
669-204-003, 22500 FAWNDRIDGE DRIVE,)	CONCLUSIONS AND ORDER TO
PALM SPRINGS, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; LINDA SEICK, OWNER.)	
_____)	[R.C.O. Nos. 348 (RCC Title 17), 457
)	(RCC Title 15), 541 (RCC Title 8) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on March 14, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 22500 Fawnridge Drive, Palm Springs, Riverside County, APN 669-204-003 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Acting Code Enforcement Division Manager, on behalf of the Director of the Department of Building and Safety.

No one appeared on behalf of the owner of THE PROPERTY.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with the attached Exhibits, evidencing the substandard structure, excess outside storage of materials and accumulation of rubbish on THE PROPERTY as a public nuisance and violations of Riverside County Ordinance Nos. 457, 348 and 541 as codified in Riverside County Code Titles 15, 17 and

1 8.120 respectively.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Linda Seick ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: James P. Blue, Frederick Seick, Steven Seick, and Desert Water Agency
7 (hereinafter INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 9, 2005,
9 March 14, 2005, August 8, 2005, September 6, 2005, January 12, 2006, and March 13, 2006.

10 4. During the initial inspection on February 9, 2005, excessive outside storage of
11 materials and an accumulation of rubbish were observed on THE PROPERTY. The outside storage
12 of materials and rubbish consisted of but was not limited to: metal, wood, appliances, dead
13 vegetation, tree limbs, and used car tires. The Code Enforcement Officer estimated the total area to
14 be approximately 1960 square feet.

15 5. At a follow up inspection on March 14, 2005, one substandard structure (single
16 dwelling) and outside storage of materials and rubbish were observed on THE PROPERTY. The
17 structure had extensive fire damage and was described as abandoned, dilapidated and vacant.
18 The structure contained numerous deficiencies, including but not limited to; faulty weather
19 protection; deteriorated or ineffective weather proofing of exterior walls, roof or floors including
20 broken windows or doors; lack of paint or other approved wall covering; general dilapidation or
21 improper maintenance; extensive fire damage; bathtub, shower, plumbing fixtures damaged and
22 missing; cabinets and plumbing fixtures missing in kitchen; walls missing drywall and insulation
23 throughout unit; holes in ceiling and fire damage to roof; and water damage and mold to walls
24 and ceiling.

25 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
26 Nos. 457, 348 and 541 (RCC Titles 15, 17 and 8) by the Code Enforcement Officer.

27 7. A Notice of Noncompliance was recorded on May 17, 2005 in the Office of the
28 County Recorder, County of Riverside as Document Number 2005-0391374.

1 FURTHER NOTICED that the time within which judicial review of the administrative
2 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
3 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
4 Civil Procedure Section 1094.6.

5 **ORDER TO ABATE NUISANCE**

6 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
7 at 22500 Fawnridge Drive, Palm Springs, Riverside County, California, also identified as Assessor's
8 Parcel Number 669-204-003 be abated by THE OWNER, and anyone having possession or control
9 of THE PROPERTY, by razing and removing the substandard structure and contents therein or by
10 reconstruction of said structure provided such reconstruction can be accomplished in strict
11 accordance with all Riverside County Ordinances, including but not limited to Riverside County
12 Ordinance No. 457 within ninety (90) days of the date of this order.

13 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
14 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including
15 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
16 mailing of this Order, the substandard structure and contents therein shall be abated by
17 representatives of the Riverside County Department of Building and Safety, a contractor, or the
18 Sheriff's Department upon receipt of an owner's consent or a Court Order, where necessary, under
19 applicable law authorizing entry onto THE PROPERTY.

20 FURTHERMORE, THE PROPERTY OWNER is ordered to ascertain the existence or non-
21 existence of asbestos containing materials in said structure by survey and materials sample testing by
22 a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to
23 secure the removal of all asbestos containing materials discovered through such survey and testing by
24 contract with a duly certified and licensed contractor for the handling of such materials to avoid
25 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

26 IT IS FURTHER ORDERED that the excess outside storage of materials and the
27 accumulation of rubbish on THE PROPERTY be abated by THE OWNER, and anyone having
28 possession or control of THE PROPERTY, by removing and disposing of the outside excess storage

1 of materials from the subject real property in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance Nos. 348 and 541 (Riverside County Code
3 Titles 17 and 8.120) within ninety (90) days of the posting and mailing of this order.

4 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
5 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance Nos. 348 and 541, within ninety (90) days, the excess outside storage of materials
7 and accumulation of rubbish shall be abated by representatives of the Riverside County Department
8 of Building and Safety, a contractor, or the Sheriff's Department upon receipt of an owner's consent
9 or a Court Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

10 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing,
11 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against
12 THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance
13 Nos. 457, 348, 541, and 725. Under Riverside County Ordinance 725, "abatement costs" means "any
14 costs or expenses reasonably related to the abatement of conditions which violate County Land Use
15 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
16 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
17 violation." Reasonable abatement costs accrued by the Department will be recoverable from the
18 property owner even if THE PROPERTY is brought into compliance within ninety (90) days of the
19 date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)