

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 30, 2006

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 05-3642 and CV 05-5534
Subject Property: 55241 (a.k.a.55483) Highway 111, Thermal
APN: 763-340-004
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 05-3642 and CV05-5534 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 Nos. CV 05-3642 and CV05-5534; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 05-3642 and CV05-5534.

BACKGROUND:

On October 24, 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 and accumulation of rubbish 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
for JOE S. RANK, 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

Alex Hann

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

Prev. Agn. Ref.:

District: 4

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:) [SUBSTANDARD STRUCTURE AND) ACCUMULATION OF RUBBISH]; APN 763-340-) 004, 55241 (a.k.a.55483) HIGHWAY 111,) THERMAL, RIVERSIDE COUNTY,) CALIFORNIA; ANN WELLS, OWNER.)	CASE NOS. CV 05-3642 AND CV05-) 5534) FINDINGS OF FACT,) CONCLUSIONS AND ORDER TO) ABATE NUISANCE)) [R.C.O. Nos. 457 (RCC Title 15), 541) (RCC Title 8) and 725 (RCC Title 1)])
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The above-captioned matter came on regularly for hearing on October 24, 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 55241 (a.k.a. 55483) Highway 111, Thermal, Assessor's Parcel Number 763-340-004 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Code Enforcement Department ("Department").

Owner, Ann Wells and Mike Wells appeared and addressed the Board.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Chapter 15.12) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Ann Wells. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Rewell E. Carlton and Marjory A. Carlton ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on November 2,
7 2005, December 28, 2005, March 30, 2006, July 17, 2006, August 3, 2006, and October 23, 2006.

8 4. During each inspection, a substandard structure (aluminum constructed
9 commercial building) was observed on THE PROPERTY. The structure had extensive fire
10 damage and was observed as abandoned, dilapidated and vacant. The structure contained
11 numerous deficiencies, including but not limited to: fire hazard; extensive fire damage;
12 abandoned, /vacant, public and attractive nuisance.

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: scrap wood, metal, debris, commercial air
15 conditioner parts, and miscellaneous wood materials.

16 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 7. A Notice of Noncompliance for the substandard structure was recorded on February
19 22, 2006 as Document Number 2006-0126699 in the Office of the County Recorder, County of
20 Riverside. A Notice of Noncompliance for the accumulation of rubbish was recorded on February
21 22, 2006 as Document Number 2006-0126700 in the Office of the County Recorder, County of
22 Riverside.

23 8. On November 8, 2005, Notices of Violation for violation of RCO Nos. 457 and 541
24 were posted on THE PROPERTY. On December 21, 2005 a Notice of Violation for accumulated
25 rubbish was mailed to OWNER by certified mail, return receipt requested. On December 22, 2005, a
26 Notice of Violation for the substandard structure was mailed to OWNER and INTERESTED
27 PARTIES by certified mail return receipt requested.

28 9. On August 30, 2006, a "Notice To Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors on October 24, 2006 was mailed by certified mail, return
2 receipt requested, to THE OWNER and INTERESTED PARTIES and was posted on THE
3 PROPERTY on August 31, 2006.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on October 24, 2006 finds and concludes that:

7 1. WHEREAS, the substandard structure and accumulation of rubbish on the real
8 property located at 55241 (a.k.a. 55483) Highway 111, Thermal, Riverside County, California, also
9 identified as Assessor's Parcel Number 763-340-004 violates Riverside County Ordinance Nos. 457
10 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

11 2. WHEREAS, THE OWNER, occupants and any person having possession or control
12 of THE PROPERTY should abate the substandard structure condition by razing, removing and
13 disposing of the substandard structure, including the removal and disposal of all structural debris
14 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided
15 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
16 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
17 (90) days.

18 3. WHEREAS, THE OWNER, occupants and any other person having possession or
19 control of THE PROPERTY should abate the accumulation of rubbish by removing all rubbish on
20 THE PROPOERTY in strict accordance with all Riverside County Ordinances, including but not
21 limited to Riverside County Ordinance No. 541 within ninety(90) days.

22 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
23 FURTHER NOTICED that the time within which judicial review of the administrative
24 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
25 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
26 Civil Procedure Section 1094.6.

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ORDER TO ABATE NUISANCE

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2 IT IS THEREFORE ORDERED that the substandard structure (aluminum constructed
3 commercial building) on THE PROPERTY be abated by the OWNER, specifically Ann Wells or
4 anyone having possession or control of THE PROPERTY, by razing and removing the substandard
5 structure including the removal and disposal of all structural debris and materials, as well as the
6 contents therein, or by reconstruction and rehabilitation of said structure provided such
7 reconstruction/rehabilitation or demolition can be accomplished in strict accordance with all
8 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
9 within ninety (90) days of the posting and mailing of this order.

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing
26 all rubbish on THE PROPERTY is not removed and disposed of in strict accordance with all
27 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 541
28 (RCC Chapter 8.120) within ninety (90) days of the date of this Order, the accumulation of rubbish

1 shall be abated by representatives of the Riverside County Code Enforcement Department, a
2 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
3 necessary under applicable law within ninety (90) days of the posting and mailing of this order.

4 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
5 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order,
7 the accumulation of rubbish shall be abated by representatives of the Riverside County Code
8 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
9 consent or a Court Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
15 expenses reasonably related to the abatement of conditions which violate County Land Use
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
17 administrative costs, attorneys' fees, and the costs associated with the removal or correction of the
18 violation." Reasonable abatement

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1 costs accrued by the Department will be recoverable from THE OWNER even if THE PROPERTY
2 is brought into compliance within ninety (90) days of the 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)

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