

**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:
November 16, 2006

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 05-1725
Subject Property: 10340 Vernon Road, Blythe; APN 869-090-045
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-1725 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 05-1725; 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 05-1725

BACKGROUND:

On November 7, 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 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
for JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
	Annual Net County Cost:	\$ N/A	For Fiscal Year:

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]

Policy

Consent

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

NOV 16 2006 10:50 AM
COUNTY OF RIVERSIDE

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:)	CASE NO. CV 05-1725
[SUBSTANDARD STRUCTURE]; APN: 869-090-)	
045, 10340 VERNON ROAD, BLYTHE,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; RONALD)	CONCLUSIONS AND ORDER TO
E. TOLLETTE AND FANNIE M. TOLLETTE,)	ABATE NUISANCE
OWNER.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on November 7, 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 10340 Vernon Road, Blythe, Riverside County, APN: 869-090-045, and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Lou Pizatella, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

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1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Ronald E. Tollette and Fannie M. Tollette ("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 February 21,
7 2006, May 9, 2006, June 6, 2006, June 30, 2006, August 10, 2006 and October 13, 2006.

8 4. During each inspection, a substandard structure (a duplex unit) was observed on THE
9 PROPERTY. The structure had extensive fire damage and was described as abandoned, dilapidated
10 and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous
11 plumbing; members of ceilings, roofs, ceiling and roof supports or other horizontal members which
12 sag, split, or buckle due to defective material or deterioration; faulty weather protection, deteriorated
13 or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors,
14 lack of paint or other approved wall covering; general dilapidation or improper maintenance;
15 extensive fire damage; and public and attractive nuisance.

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

18 6. A Notice of Noncompliance was recorded on April 7, 2006 as Document Number
19 2006-0250587 in the Office of the County Recorder, County of Riverside.

20 7. On February 21, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not
21 Enter" sign were posted on THE PROPERTY. On March 2, 2006 and June 29, 2006, Notices of
22 Violation and Notices of Defects were mailed by certified mail, return receipt requested to the
23 OWNERS.

24 8. On October 4, 2006, a "Notice To Abate Nuisance" providing notice of the public
25 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
26 THE OWNERS and posted on THE PROPERTY on October 13, 2006.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on November 7, 2006 finds and concludes that:

1. WHEREAS, the substandard structure (duplex unit) on the real property located at 10340 Vernon Road, Blythe, Riverside County, California, also identified as Assessor's Parcel Number 869-090-045 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located at 10340 Vernon Road, Blythe, Riverside County, California, also identified as Assessor's Parcel Number 869-090-045 be abated by the OWNERS, and anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction or rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this order.

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

8 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
9 asbestos containing materials in said structure by survey and materials sample testing by a duly
10 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
11 the removal of all asbestos containing materials discovered through such survey and testing by
12 contract with a duly certified and licensed contractor for the handling of such materials to avoid
13 citations and/or fines by the Mojave Desert Air Quality Management District (MDAQMD).

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
18 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
19 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
20 collection

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28 and administrative costs, attorneys' fees, and the costs associated with the removal or correction of

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

4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:

10 NANCY ROMERO

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

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