

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

504B



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

**SUBMITTAL DATE:**  
November 16, 2006

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case No.: CV06-3773  
Subject Property: 24024 Palomas Avenue, Blythe  
APN: 872-242-020  
District Four

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV06-3773 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. CV06-3773; 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. CV06-3773.

(Continued)

*[Handwritten Signature]*

TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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
- Policy
- Consent
- Consent

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

**Prev. Agn. Ref.:** | **District:** 4 | **Agenda Number:**

2.6

Findings of Fact, Conclusions and Order to Abate  
24024 Palomas Avenue, Blythe  
Case No. CV 06-3773

**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 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.

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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. CV06-3773
[SUBSTANDARD STRUCTURE AND	)	
ACCUMULATION OF RUBBISH]; APN 872-	)	FINDINGS OF FACT,
242-020, 24024 PALOMA AVENUE, BLYTHE,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
CHESTER WHITNEY, OWNER	)	
	)	[R.C.O. Nos. 457 (RCC Title 15), 541
	)	(RCC Title 8) 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 24024 Paloma Avenue, Blythe, Assessor's Parcel Number 872-242-020 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 Code Enforcement Department.

No one appeared on behalf of the property owner.

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 Title 15) 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 of THE  
3 PROPERTY as Chester Whitney. ("OWNER").

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE  
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 15, 2006, August  
7 31, 2006 and October 13, 2006

8 4. During each inspection, a substandard structure (dwelling) was observed on THE  
9 PROPERTY. The structure was observed as abandoned, dilapidated and vacant. The structure contained  
10 numerous deficiencies, including but not limited to: Members of ceilings, roofs, ceiling and roof supports  
11 or other horizontal members which sag, split, or buckle due to defective material or deterioration; faulty  
12 weather protection, broken and/or missing windows, deteriorated roofing material; general dilapidation or  
13 improper maintenance, siding is chipping off and/or missing; interior is filled with rubbish, holes in the  
14 walls, no flooring material, no kitchen fixtures; public and attractive nuisance, abandoned, vacant,  
15 unsecured and located in the vicinity of a local community church.

16 5. During each inspection an accumulation of rubbish was observed throughout THE  
17 PROPERTY consisting of but not limited to: metal, wood, appliances, household trash, barrels and  
18 broken glass. The accumulation of rubbish was determined to be approximately one thousand six  
19 hundred twelve (1,612) square feet.

20 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos.  
21 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 7. A Notice of Noncompliance was recorded on August 30, 2006 as Document Number  
23 2006-0642572 in the Office of the County Recorder, County of Riverside.

24 8. On June 15, 2006, Notices of Violation for violation of RCO Nos. 457 and 541 were  
25 posted on THE PROPERTY. On June 30, 2006 and July 19, 2006, Notices of Violation for the  
26 substandard structure and accumulated rubbish were to OWNER by mailed by certified mail, return  
27 receipt requested.

28 9. On October 4, 2006, a "Notice To Abate Nuisance" providing notice of the public hearing

1 before the Board of Supervisors on November 7, 2006 was mailed by certified mail, return receipt  
2 requested, to OWNER and was posted on THE PROPERTY on October 13, 2006.

3 **FINDINGS AND CONCLUSIONS**

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

6 1. WHEREAS, the substandard structure and accumulation of rubbish on the real property  
7 located at 24024 Paloma Avenue, Blythe, Riverside County, California, also identified as Assessor's  
8 Parcel Number 872-242-020 violates Riverside County Ordinance Nos. 457 (RCC Title 15) and 541  
9 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY be abated by  
26 the OWNER, specifically Chester Whitney or anyone having possession or control of THE PROPERTY,  
27 by razing and removing the substandard structure including the removal and disposal of all structural  
28 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said

1 structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all  
2 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within  
3 ninety (90) days of the posting and mailing of this order.

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

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

17 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be abated by  
18 THE OWNER or anyone having possession or control of THE PROPERTY by removing all rubbish on  
19 THE PROPERTY. If the accumulated rubbish is not removed and disposed of in strict accordance with  
20 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 541  
21 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the  
22 accumulation of rubbish shall be abated by representatives of the Riverside County Code Enforcement  
23 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order  
24 when necessary under applicable law.

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for  
26 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment  
27 against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance  
28 Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under Riverside

1 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
2 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited  
3 to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated  
4 with the removal or correction of the violation." Reasonable abatement costs accrued by the Code  
5 Enforcement Department will be recoverable from THE OWNER even if THE PROPERTY is brought  
6 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7  
8 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

9  
10 By \_\_\_\_\_  
11 Bob Buster  
12 Chairman, Board of Supervisors

13 ATTEST:  
14 NANCY ROMERO  
15 Clerk to the Board

16 By  
17 Deputy  
18 (SEAL)  
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