

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

211B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 06-4981
Subject Property: 14370 Broadway, Blythe
APN: 869-090-028
District Four

SUBMITTAL DATE:
April 9, 2007

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-4981 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 06-4981; 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 06-4981.

(continued)

[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

[Handwritten Signature]

Policy

Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 4

Agenda Number:

2.13

The Findings of Fact,
Conclusions and Order to Abate
14370 Broadway, Blythe
CV 06-4981
Page 2

BACKGROUND:

On April 3, 2007 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. CV 06-4981
[SUBSTANDARD STRUCTURE AND)	
ACCUMULATION OF RUBBISH]; APN 869-090-)	FINDINGS OF FACT,
028, 14370 BROADWAY, BLYTHE, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; DOYLE R.)	ABATE NUISANCE
THOMPSON, 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 April 3, 2007, 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 14370 Broadway, Blythe, Assessor's Parcel Number 869-090-028 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 Director of the Code Enforcement Department.

Owner Doyle Thompson 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 Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers August 16, 2006,
7 October 24, 2006, November 29, 2006, February 27, 2007, and March 30, 2007.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be dilapidated and vacant. The structure contained
10 numerous deficiencies, including but not limited to: members of walls, partitions or other vertical
11 supports that split, list, lean or buckle due to defective material or deterioration; faulty weather
12 protection; general dilapidation or improper maintenance; abandoned, vacant, public and
13 attractive nuisance. During the March 30, 2007 inspection, it was observed that progress had
14 been made with regard to rehabilitating the substandard structure but the rehabilitation work was
15 incomplete.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: wood, appliances, used car tires, discarded
18 furniture, discarded kitchen cabinets, household trash and a washer. The accumulation of
19 rubbish was determined to be approximately nine hundred eighty (980) square feet.

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

22 7. A Notice of Noncompliance for the substandard structure and accumulation of
23 rubbish was recorded on November 30, 2006 as Document Number 2006-0855547 in the Office of
24 the County Recorder, County of Riverside.

25 7. On August 16, 2006, Notices of Violation and Danger Do Not Enter signs for
26 violation of Riverside County Ordinance Nos. 457 and 541 were posted on THE PROPERTY. On
27 September 6, 2006, Notices of Violation for the substandard structure and accumulation of rubbish
28 were mailed to OWNER by certified mail, return receipt requested.

ORDER TO ABATE NUISANCE

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

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 to Abate Nuisance, the substandard structure, contents
14 therein, and structural debris and materials, shall be abated by representatives of the Riverside
15 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the
16 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
17 PROPERTY. Said abatement by representatives of the Riverside County Code Enforcement
18 Department, a contractor, or the Sheriff's Department shall not occur until after approval by and a
19 report is made to the Board of Supervisors.

20 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
21 asbestos containing materials in said structure by survey and materials sample testing by a duly
22 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
23 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 the Mojave Desert Air Quality Management District (MDAQMD).

26 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
27 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
28 disposing of all rubbish from the subject real property in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
2 within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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1 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
2 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
3 Order to Abate Nuisance.

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5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 John Tavaglione
9 Chairman, Board of Supervisors

10 ATTEST:
11 NANCY ROMERO
12 Clerk to the Board

13
14 By
15 Deputy
16 (SEAL)

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