

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

524B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 30, 2007

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 05-3904
Subject Property: 62610 16th Avenue, North Palm Springs; APN 668-140-017
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-3904 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 05-3904; 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 05-3904

BACKGROUND:

On April 24, 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 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

(Continued)

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

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 5 | Agenda Number: **2.10**

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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 05-3904
[SUBSTANDARD STRUCTURE]; APN: 668-140-)
017, 62610 16th AVENUE, NORTH PALM) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; CHARLES LOPEZ AND TERESA) ABATE NUISANCE
LOPEZ, OWNERS.)
) [R.C.O. Nos. 457 (RCC Title 15) and
) 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on April 24, 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 as 62610 16th Avenue, North Palm Springs, Riverside County, APN: 668-140-017, 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.

No one appeared on behalf of the Owners.

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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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Charles Lopez and Teresa Lopez ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Francis W. Hartzell and Margaret S. Hartzell (hereinafter "INTERESTED
6 PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 15, 2005,
8 April 6, 2006, July 26, 2006, September 20, 2006, December 14, 2006, March 15, 2007, and April
9 23, 2007.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE
11 PROPERTY. The structure was described as abandoned, dilapidated and vacant. The structure
12 contained numerous deficiencies, including but not limited to: members of walls, partitions or other
13 vertical supports that split, lean, list or buckle due to defective material or deterioration - dry and
14 exposed to weather; members of ceilings, roofs, ceiling and roof supports or other horizontal
15 members which sag, split or buckle due to defective material or deterioration; dampness of habitable
16 rooms; faulty weather protection-deteriorated or ineffective weather proofing of exterior walls, roof
17 or floors including broken windows or doors, lack of paint or other approved wall covering - stucco
18 falling off; general dilapidation or improper maintenance - stucco falling off open roof/wood support
19 dilapidated; fire hazard - dry wood; and public and attractive nuisance - abandoned/vacant, open to
20 public. At later inspections, the substandard structure had been taken down but all structural debris
21 and materials remained on site.

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

24 6. A Notice of Noncompliance was recorded on October 5, 2005 as Document Number
25 2005-0826295 in the Office of the County Recorder, County of Riverside.

26 7. On August 15, 2005, a Notice of Violation, Notice of Defects and "Danger Do Not
27 Enter" sign were posted on THE PROPERTY. On September 26, 2005 and April 21, 2006, Notices
28 of Violation and Notice of Defects were mailed by certified mail, return receipt requested to the

1 OWNERS. On October 6, 2005, a Notice of Violation and Notice of Defects were mailed by
2 certified mail, return receipt requested to the OWNERS and INTERESTED PARTIES.

3 8. On March 13, 2007, a "Notice To Correct County Ordinance Violations and Abate
4 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
5 by certified mail, return receipt requested, to THE OWNERS and posted on THE PROPERTY on
6 March 15, 2007.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on April 24, 2007 finds and concludes that:

10 1. WHEREAS, the substandard structure on the real property located at 62610 16th
11 Avenue, North Palm Springs, Riverside County, California, also identified as Assessor's Parcel
12 Number 668-140-017 violates Riverside County Ordinance No. 457 and constitutes a public
13 nuisance and attractive nuisance.

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

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
27 at 62610 16th Avenue, North Palm Springs, Riverside County, California, also identified as
28 Assessor's Parcel Number 668-140-017 be abated by the OWNERS, and anyone having possession

1 or control of THE PROPERTY, by razing and removing the substandard structure including the
2 removal and disposal of all structural debris and materials, as well as the contents therein, or by
3 reconstruction of said structure provided such reconstruction can be accomplished in strict
4 accordance with all Riverside County Ordinances, including but not limited to Riverside County
5 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
6 Nuisance.

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

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

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
23 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
24 means "any costs or expenses reasonably related to the abatement of conditions which violate County
25 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
26 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
27 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
28 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within

1 ninety (90) days of the date of this Order to Abate Nuisance.

2 Dated: _____

COUNTY OF RIVERSIDE

3

4 By _____

John Tavaglione
Chairman, Board of Supervisors

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6 ATTEST:

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NANCY ROMERO

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Clerk to the Board

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11 By

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Deputy

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(SEAL)

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