

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

605B



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

**SUBMITTAL DATE:**  
May 7, 2007

**SUBJECT:** Order to Abate [Substandard Structure Excess outside storage, accumulation of rubbish]  
Case No.: CV 05-5687 AND CV 06-3065  
Subject Property: 4930 Agate Street, Riverside, APN: 169-270-018  
District Two

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5687 AND CV 06 3065 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 05-5687 AND CV 06-3065; 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 05-5687 AND CV 06-3065.

*[Handwritten Signature]*

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

(Continued)

<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

**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]*

Dept's Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.:

District: 2

Agenda Number:

2.8

Order to Abate [Substandard Structure Excess outside storage, accumulation of rubbish]  
Case No.: CV 05-5687 AND CV 06-3065  
Subject Property: 4930 Agate Street, Riverside, APN: 169-270-018  
District Two

**BACKGROUND:**

On May 1, 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 structures, excess outside storage 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 NOS. CV 05-5687 AND CV06-  
[SUBSTANDARD STRUCTURES, EXCESSIVE ) 3065  
OUTSIDE STORAGE AND ACCUMULATION )  
OF RUBBISH]; APN 169-270-018, 4930 AGATE ) FINDINGS OF FACT, CONCLUSIONS  
STREET, RIVERSIDE, RIVERSIDE COUNTY, ) AND ORDER TO ABATE NUISANCE  
CALIFORNIA; JOHN W. ALEXANDER AND )  
CONNIE J. ALEXANDER, OWNERS. ) [R.C.O. Nos. 348 (RCC Title 17), 457  
) (Title 15), 541 (RCC Title 8) and 725  
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 1, 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 4930 Agate Street, Riverside, Assessor's Parcel Number 169-270-018 and referred to hereinafter as "THE PROPERTY."

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

An unidentified gentleman (who claimed to be Owner) appeared and addressed the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish and on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.16), 457 (Riverside County Code Chapter 15.16 and 541 (Riverside County Code

1 Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the Owners  
4 of THE PROPERTY as John W. Alexander and Connie J. Alexander ("OWNERS").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE  
6 PROPERTY, to-wit: Cabazon Water District ("INTERESTED PARTY"). Jeff Tarris is a tenant on  
7 THE PROPERTY and also claims an ownership interest in a portion of THE PROPERTY and is also  
8 an INTERESTED PARTY.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on January 17, 2006,  
10 March 20, 2006, July 7, 2006, September 25, 2006, December 19, 2006 and March 21, 2007.

11 4. During each inspection, two substandard structures (old barn and cabana) were  
12 observed on THE PROPERTY. The structures contained numerous deficiencies, including but not  
13 limited to: lack of connection to required sewage system; hazardous wiring; lack of adequate heating  
14 facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports;  
15 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective  
16 material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal  
17 members which sag, split, or buckle due to defective material or deterioration; dampness of habitable  
18 rooms; faulty weather protection; general dilapidation or improper maintenance; and abandoned,  
19 vacant, public and attractive nuisance.

20 5. During each inspection an accumulation of rubbish and excess outside storage was  
21 also observed throughout THE PROPERTY consisting of but not limited to: scrap metal, scrap  
22 wood, old machinery, tires, pipes, 55 gallon drums, vehicle parts, truck parts, partially constructed  
23 metal building, and miscellaneous items. The excess outside storage of materials and accumulation  
24 of rubbish was determined to be approximately forty thousand eight hundred eighty (40,880) square  
25 feet.

26 6. THE PROPERTY was determined to be in violation of Riverside County  
27 Ordinance Nos. 348 (RCC Chapter 17.16), 457 (RCC Chapter 15.16) and 541 (RCC Chapter  
28 8.120) by the Code Enforcement Officer.



1 of THE PROPERTY should abate the substandard structures (old barn and cabana) by razing,  
2 removing and disposing of the substandard structures, including the removal and disposal of all  
3 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said  
4 structures provided that said reconstruction or demolition can be accomplished in strict accordance  
5 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
6 457 within ninety (90) days.

7 3. WHEREAS, THE OWNERS, occupants and any other person having possession or  
8 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage  
9 by removing all rubbish and excess outside storage on THE PROPOERTY in strict accordance with  
10 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
11 and 541 within ninety (90) days.

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the substandard structures on THE PROPERTY be  
19 abated by the OWNERS, specifically John W. Alexander and Connie J. Alexander, or anyone having  
20 possession or control of THE PROPERTY, by razing and removing the substandard structures  
21 including the removal and disposal of all structural debris and materials, as well as the contents  
22 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and  
23 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
24 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
25 posting and mailing of this Order to Abate Nuisance.

26 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
27 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)

1 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents  
2 therein, and structural debris and materials, shall be abated by representatives of the Riverside  
3 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the  
4 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
5 PROPERTY.

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

12 IT IS FURTHER ORDERED that the excess outside storage of materials and accumulation  
13 of rubbish on THE PROPERTY be abated by the OWNERS, specifically John W. Alexander and  
14 Connie J. Alexander or anyone having possession or control of THE PROPERTY, by removing and  
15 disposing of the outside excess storage of materials and accumulation of rubbish and excess outside  
16 storage from the subject real property in strict accordance with all Riverside County Ordinances,  
17 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541  
18 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

19 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
20 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
21 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of  
22 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of  
23 rubbish and excess outside storage shall be abated by representatives of the Riverside County Code  
24 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
25 consent or a Court Order when necessary under applicable law.

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
27 for hearing, shall be imposed as a lien on the property, which may be collected as a special  
28 assessment against the property pursuant to Government Code section 25845 and Riverside County

1 Ordinance Nos. 348 (RCC Chapter 17.16), 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and  
2 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means  
3 "any costs or expenses reasonably related to the abatement of conditions which violate County Land  
4 Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
5 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
6 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
7 recoverable from the property owner(s) even if the property is brought into compliance within ninety  
8 (90) days of the date of this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy  
(SEAL)

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