

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

604 B



**SUBMITTAL DATE:**  
May 7, 2007

**FROM:** County Counsel/TLMA  
Code Enforcement Department  
**SUBJECT:** Order to Abate [Substandard Structure]  
Case No.: CV 06-6355  
Subject Property: 64373 Thumb Drive, North Palm Springs  
APN: 666-230-003  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6355 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 06-6355; 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 06-6355.

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

<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

Consent  
 Policy  
 Consent  
 Policy

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

2.10

Order to Abate [Substandard Structure]

Case No.: CV 06-6355

Subject Property: 64373 Thumb Drive, North Palm Springs

APN: 666-230-003

District Five

**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 structure 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 06-6355  
[SUBSTANDARD STRUCTURE]; APN: 666-230- )  
003, 64373 THUMB DRIVE, NORTH PALM ) FINDINGS OF FACT,  
SPRINGS, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; GERALDINE J. WHITWORTH, ) 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 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 as 64373 Thumb Drive, North Palm Springs, Riverside County, APN: 666-230-003, 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 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 owner of  
3 THE PROPERTY as Geraldine J. Whitworth ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to wit: County of Riverside Building and Safety (hereinafter "INTERESTED  
6 PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 6,  
8 2006, January 18, 2007, April 10, 2007, and April 27, 2007.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE  
10 PROPERTY. The structure was described as abandoned, dilapidated and vacant. The structure  
11 contained numerous deficiencies, including but not limited to: lack of or improper water closet,  
12 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;  
13 lack of required electrical lighting; lack of adequate heating facilities; deteriorated or inadequate  
14 foundation; members of walls, partitions or other vertical supports that split, lean, list or buckle due  
15 to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other  
16 horizontal members which sag, split or buckle due to defective material or deterioration; dampness  
17 of habitable rooms; faulty weather protection-deteriorated or ineffective weather proofing of exterior  
18 walls, roof or floors including broken windows or doors, lack of paint or other approved wall  
19 covering; general dilapidation or improper maintenance; extensive fire damage; and public and  
20 attractive nuisance – abandoned/vacant.

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

23 6. A Notice of Noncompliance was recorded on December 13, 2006 as Document  
24 Number 2006-0915452 in the Office of the County Recorder, County of Riverside.

25 7. On November 6, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not  
26 Enter" sign were posted on THE PROPERTY. On November 27, 2006 and January 8, 2007, Notices  
27 of Violation and Notice of Defects were mailed by certified mail, return receipt requested to the  
28 OWNER.



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

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

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

19 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
20 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
21 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
22 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
23 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
24 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
25 and administrative costs, attorneys fees, and the costs associated with the removal or correction of

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

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

COUNTY OF RIVERSIDE

6 By \_\_\_\_\_  
7 John Tavaglione  
8 Chairman, Board of Supervisors

8 ATTEST:  
9 NANCY ROMERO  
10 Clerk to the Board

11  
12 By  
13 Deputy  
14 (SEAL)

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