

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

105B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 28, 2007

SUBJECT: Order to Abate [substandard structure and accumulation of rubbish];
Case Nos.: CV 06-1143 and CV 07-1516
Subject Property: 64581 Dillon Road, North Palm Springs; APN 666-220-009
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-1143 and CV 07-1516 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 Nos. CV 06-1143 and CV 07-1516; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-1143 and CV 07-1516.

BACKGROUND:

On July 31, 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 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.

[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

BY: *[Signature]*
Tina Grande

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

SUBMITTED BY: [Signature]
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: 7/31/07; 9.5 | **District:** 5 | **Agenda Number:**

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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 06-1143 and
[SUBSTANDARD STRUCTURE AND) CV 07-1516
ACCUMULATION OF RUBBISH]; APN 666-220-)
009, 64581 DILLON ROAD, NORTH PALM)
SPRINGS, RIVERSIDE COUNTY,) FINDINGS OF FACT,
CALIFORNIA; EMIL KOLESAR AND LOUISA) CONCLUSIONS AND ORDER TO
KOLESAR, OWNERS.) ABATE NUISANCE
)
) [R.C.O. Nos. 457 (RCC Chapter 15.16),
) 541 (RCC Chapter 8.120) and 725
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on July 31, 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 64581 Dillon Road, North Palm Springs, Riverside County, California and further described as Assessor's Parcel Number 666-220-009 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.

Daughter of the owners, Marlene Kolesar appeared on behalf of the property owners but did not address the Board of Supervisors during the public hearing. Prior to the hearing, Ms. Kolesar met with Jim Monroe and Tiffany N. North wherein the abatement process was explained.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the substandard structure (dwelling with detached garage) and

1 accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside
2 County Ordinance Nos. 457 and 541, as codified in Riverside County Code Chapters 15.16 and
3 8.120, respectively.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners
6 of THE PROPERTY as Emil Kolesar and Louisa Kolesar ("OWNERS").

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

9 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2007,
10 May 1, 2007, July 11, 2007 and July 25, 2007.

11 4. During each inspection, a substandard structure (dwelling with detached garage) and
12 an accumulation of rubbish was observed on THE PROPERTY. The substandard conditions of the
13 structure included, but were not limited to: lack of or improper water closet, lavatory, bathtub,
14 shower, or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous
15 plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities;
16 members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective
17 material or deterioration; dampness of habitable rooms; faulty weather protection; and general
18 dilapidation or improper maintenance. The rubbish consisted of, but was not limited to: household
19 trash, tires, metal, tree and shrub trimmings, broken appliances, dilapidated furniture, wood and
20 debris. The accumulated rubbish on THE PROPERTY was estimated to be approximately three
21 thousand one hundred forty two (3,142) square feet.

22 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

24 6. A Notice of Noncompliance was recorded in the Office of the Assessor, County
25 Clerk and Recorder, County of Riverside, State of California on April 2, 2007 as instrument number
26 2007-0222258.

27 7. On March 7, 2007, Notices of Violation for the substandard structure (dwelling with
28 detached garage) and accumulation of rubbish were posted on THE PROPERTY. On March 19,

1 2007, Notices of Violation were mailed by certified mail, return receipt requested, to OWNERS.

2 8. On June 26, 2007, a "Notice To Correct County Ordinance Violations and Abate
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 31,
4 2007 was mailed by certified mail, return receipt requested, to the OWNERS and posted on THE
5 PROPERTY on July 11, 2007.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on July 31, 2007 finds and concludes that:

9 1. WHEREAS, the substandard structure (dwelling with detached garage) and
10 accumulation of rubbish on the real property located at 64581 Dillon Road, North Palm Springs,
11 Riverside County, California, also identified as Assessor's Parcel Number 666-220-009 violate
12 Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and
13 constitute a public nuisance.

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

20 3. WHEREAS, THE OWNERS, occupants and any person having possession or control
21 of the premises should abate the condition by removing and disposing of all rubbish from the subject
22 real property in strict accordance with all Riverside County Ordinances, including but not limited to
23 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

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ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling with detached garage) on THE PROPERTY located at 64581 Dillon Road, North Palm Springs, Riverside County, California, also identified as Assessor's Parcel Number 666-220-009 be abated by THE OWNERS, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure and contents therein or by reconstruction and rehabilitation of said structure provided such reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be abated by OWNERS or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
2 accordance with all Riverside County Ordinances, including but not limited to Riverside County
3 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
4 shall be abated by representatives of the Riverside County Code Enforcement, a contractor or the
5 Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto
6 THE PROPERTY when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
11 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
12 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
13 collection and administrative costs, attorneys fees, and the costs associated with the removal or

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

4
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

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17 (SEAL)

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