

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 27, 2007

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 07-2711 and CV 07-3100
Subject Property: 10910 Seeley Avenue, Blythe
APN: 869-140-013
District Four

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-2711 and CV 07-3100 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 07-2711 and CV 07-3100; 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 07-2711 and CV 07-3100.

(Continued)

Tiffany N. North

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

BY: *Tina Grande*

Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Prev. Agn. Ref.: 12/18/07; 9.4 | **District:** 4 | **Agenda Number:**

2.13

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 07-2711 and CV 07-3100

Subject Property: 10910 Seeley Avenue, Blythe

APN: 869-140-013

District Four

BACKGROUND:

On December 18, 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 (dwelling) 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, Conclusions 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 07-2711 AND CV 07-
[SUBSTANDARD STRUCTURE AND)	3100
ACCUMULATION OF RUBBISH]; APN 869-140-)	
013, 10910 SEELEY AVENUE, BLYTHE,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; HENRY)	CONCLUSIONS AND ORDER TO
FOSTER AND MARY L. FOSTER, OWNERS.)	ABATE NUISANCE
)	
)	[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 December 18, 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 10910 Seeley Avenue, Blythe, Assessor's Parcel Number 869-140-013 and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of owners.

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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Henry Foster and Mary L. Foster. ("OWNERS").

4 2. Documents of title indicate that one other party potentially holds a legal interest in
5 THE PROPERTY, to-wit: S.K. Dunn ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 24, 2007,
7 June 19, 2007, August 2, 2007, August 29, 2007, October 16, 2007, November 6, 2007 and
8 December 13, 2007.

9 4. During each inspection, one substandard structure (dwelling) was observed on THE
10 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
11 contained numerous deficiencies, including but not limited to: defective or deteriorated flooring or
12 floor supports; members of ceilings, roofs, ceiling and roof supports or other horizontal members
13 which sag, split or buckle due to defective material or deterioration; faulty weather protection;
14 general dilapidation or improper maintenance; abandoned, vacant, public and attractive nuisance.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: appliances, dead vegetation, household trash,
17 appliances, scrap metal, scrap wood, a discarded water heater, a microwave, and miscellaneous
18 debris. The amount of outside storage and accumulated rubbish was approximately 3,750 square
19 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. Notices of Noncompliance for the accumulation of rubbish and outside storage were
23 recorded on September 19, 2007 and September 20, 2007, as Document Numbers 2007-0590143 and
24 2007-0593459 in the Office of the County Recorder, County of Riverside.

25 8. On April 24, 2007, Notices of Violation, a Notice of Defects, a Danger Do Not Enter
26 and Do Not Dump signs were posted on THE PROPERTY. On April 30, 2007, a Notice of
27 Violation for accumulated rubbish was mailed by certified mail, return receipt requested to
28 OWNERS. On May 29, 2007, a Notice of Violation for the substandard structure along with a

1 Notice of Defects was mailed by certified mail, return receipt requested to OWNERS. On June 21,
2 2007, Notices of Violation and a Notice of Defects were mailed by certified mail return receipt
3 requested to OWNERS and OCCUPANT/TENANT.

4 9. On November 1, 2007, a "Notice To Correct County Ordinance Violations and Abate
5 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
6 December 18, 2007 was mailed by certified mail return receipt requested to OWNERS and
7 INTERESTED PARTY and was posted on THE PROPERTY on November 6, 2007.

8 **FINDINGS AND CONCLUSIONS**

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on December 18, 2007 finds and concludes that:

11 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
12 real property located at 10910 Seeley Avenue, Blythe, Riverside County, California, also identified
13 as Assessor's Parcel Number 869-140-013 violates Riverside County Ordinance Nos. 457 (RCC Title
14 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

22 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
23 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
24 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
25 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

26 4. WHEREAS, THE OWNERS AND INTERESTED PARTY ARE HEREBY
27 FURTHER NOTICED that the time within which judicial review of the administrative
28 determinations made herein must be sought is ninety (90) days from the posting and mailing of the

1 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
2 Civil Procedure Section 1094.6.

3 **ORDER TO ABATE NUISANCE**

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

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

20 FURTHERMORE, THE OWNERS 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 Mojave Desert Air Quality Management District (MDAQMD).

26 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
27 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and
28 disposing of all rubbish on THE 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 posting and mailing 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 this Order to
6 Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
7 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
8 receipt of an owner's consent or a Court Order when necessary under applicable law.

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

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1 attorneys' fees and the costs associated with the removal or correction of the violation." Reasonable
2 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNERS
3 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
4 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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