

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

624B



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

**SUBMITTAL DATE:**  
June 9, 2008

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case No.: CV 07-5482  
Subject Property: 23800 Curtin Road, Desert Hot Springs  
APN: 647-300-019  
District Four

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5482 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 07-5482; 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 07-5482.

(Continued)

*[Signature]*  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

<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

BY *[Signature]*  
Tina Grande

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

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

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 07-5482

Subject Property: 23800 Curtin Road, Desert Hot Springs

APN: 647-300-019

District Four

**BACKGROUND:**

On June 3, 2008 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 (single story wood structure) and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owners 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 NO. CV 07-5482
[SUBSTANDARD STRUCTURE AND	)	
ACCUMULATION OF RUBBISH]; APN 647-300-	)	FINDINGS OF FACT,
019, 23800 CURTIN ROAD, DESERT HOT	)	CONCLUSIONS AND ORDER TO
SPRINGS, RIVERSIDE COUNTY,	)	ABATE NUISANCE
CALIFORNIA; LETICIA RUIZ AND ADOLFO	)	
RUIZ, OWNERS.	)	[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 June 3, 2008 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 23800 Curtin Road, Desert Hot Springs, Assessor's Parcel Number 647-300-019 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.

Terry Roe, realtor for bank, First Street Financial, Inc., appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure (single story wood structure) and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457

1 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public  
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners  
5 of THE PROPERTY as Leticia Ruiz and Adolfo Ruiz ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold or allege a legal interest  
7 in THE PROPERTY, to-wit: First Street Financial, Inc. and Grant & Weber ("INTERESTED  
8 PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on July 3, 2007,  
10 September 4, 2007, December 11, 2007, March 4, 2008, April 24, 2008 and May 30, 2008.

11 4. During each inspection, a substandard structure (single story wood structure) was  
12 observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and  
13 vacant. The structure contained numerous deficiencies, including but not limited to: lack of or  
14 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water  
15 to plumbing fixtures; hazardous plumbing; 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 materials; members of ceilings, roofs, ceiling and roof supports or other horizontal members which  
18 sag, split or buckle due to defective material or deterioration; faulty weather protection; general  
19 dilapidation or improper maintenance; fire hazard; and public and attractive nuisance.

20 5. During each inspection an accumulation of rubbish was observed throughout THE  
21 PROPERTY consisting of but not limited to: household trash, furniture, discarded clothing, wood  
22 and scrap metal. As of May 30, 2008, the majority of the accumulated rubbish had been removed  
23 from THE PROPERTY.

24 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
25 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

26 7. A Notice of Noncompliance for the substandard structure and accumulation of  
27 rubbish was recorded on July 11, 2007 as Document Number 2007-0450199 in the Office of the  
28 County Recorder, County of Riverside.



1 ninety (90) days.

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

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the substandard structure (single story wood structure )  
14 on THE PROPERTY be abated by the OWNERS, specifically Leticia Ruiz and Adolfo Ruiz or  
15 anyone having possession or control of THE PROPERTY, by razing and removing the substandard  
16 structure including the removal and disposal of all structural debris and materials, as well as the  
17 contents therein, or by reconstruction and rehabilitation of said structure provided such  
18 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
19 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
20 days of the posting and mailing of this Order to Abate Nuisance.

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

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

7 IT IS FURTHER ORDERED that any remaining accumulated rubbish on THE PROPERTY  
8 be abated by THE OWNERS or anyone having possession or control of THE PROPERTY by  
9 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside  
10 County Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC  
11 Chapter 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

12 IT IS FURTHER ORDERED that if any remaining accumulated rubbish is not removed and  
13 disposed of in strict accordance with all Riverside County Ordinances, including but not limited to  
14 Riverside County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of  
15 this Order to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by  
16 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's  
17 Department upon receipt of an owner's consent or a Court Order when necessary under applicable  
18 law.

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 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
23 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
24 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
25 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
26 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
27 abatement costs accrued by the Code Enforcement Department will be recoverable from THE  
28 OWNERS even if THE PROPERTY is brought into compliance within ninety (90) days of the date

1 of this Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

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By \_\_\_\_\_  
Roy Wilson  
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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By

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Deputy

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(SEAL)

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