

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

823B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 23, 2008

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 06-4122
Subject Property: 87050 Avenue 59, Thermal
APN: 757-210-001
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-4122 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 06-4122; 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 06-4122.

(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

Tina Grande

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 06-4122

Subject Property: 87050 Avenue 59, Thermal

APN: 757-210-001

District Four

BACKGROUND:

On June 17, 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 structures (dwelling and four sheds) 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 NO. CV 06-4122
[SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APN 757-210-)
001, 87050 AVENUE 59, THERMAL,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
NETWORK REAL ESTATE SERVICES, INC.,) ABATE NUISANCE
OWNER.) [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 17, 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 87050 Avenue 59, Thermal, Assessor's Parcel Number 757-210-001 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.

Owner Gary Sroka appeared and briefly 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 substandard structures (dwelling and four sheds) 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 owner
5 of THE PROPERTY as Network Real Estate Services, Inc. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold or allege a legal interest
7 in THE PROPERTY, to-wit: The Victor J. Higgins and Lillian Higgins Revocable Living Trust
8 Dated 8/6/1993 and Fidelity National Title Company ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on July 26, 2006,
10 September 13, 2007, November 19, 2007, December 19, 2007, March 4, 2008, May 8, 2008, May 19,
11 2008 and June 16, 2008.

12 4. During each inspection, substandard structures (dwelling and four sheds) were
13 observed on THE PROPERTY. The structures were observed to be abandoned and dilapidated.
14 The structures contained numerous deficiencies, including but not limited to: hazardous wiring; lack
15 of adequate heating facility; faulty weather protection; improper maintenance; public and attractive
16 nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: household trash, used and discarded construction
19 materials, tires, discarded furniture, wood, metal pieces, green waste, trash, and other miscellaneous
20 rubbish and debris. The accumulated rubbish covered approximately twenty-five hundred (2500)
21 square feet.

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

24 7. A Notice of Noncompliance for the substandard structure and accumulation of
25 rubbish was recorded on October 12, 2007 as Document Number 2007-0634316 in the Office of the
26 County Recorder, County of Riverside.

27 8. On September 13, 2007, Notices of Violation for the accumulated rubbish and
28 substandard structures, Notice of Defects, and "Do Not Enter or Occupy" and "Do Not Dump" signs

1 were posted on THE PROPERTY for each substandard structure. On October 11, 2007, Notices of
2 Violations for the accumulated rubbish and substandard structures were mailed to OWNER and
3 INTERESTED PARTIES by certified mail, return receipt requested.

4 9. On May 16, 2008, the second notice - "Notice To Correct County Ordinance
5 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of
6 Supervisors on June 17, 2008 was mailed by certified mail, return receipt requested, to THE
7 OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on May 19, 2008.

8 **FINDINGS AND CONCLUSIONS**

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on June 17, 2008 finds and concludes that:

11 1. WHEREAS, the substandard structures (dwelling and four sheds) and accumulation
12 of rubbish on the real property located at 87050 Avenue 59, Thermal, Riverside County, California,
13 also identified as Assessor's Parcel Number 757-210-001 violates Riverside County Ordinance Nos.
14 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

15 2. WHEREAS, THE OWNER, occupants and any person having possession or control
16 of THE PROPERTY should abate the substandard structures by razing, removing and disposing of
17 the substandard structures, including the removal and disposal of all structural debris and materials
18 and contents therein, or by reconstruction and rehabilitation of said structures provided that said
19 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 (RCC Title 15) within
21 ninety (90) days.

22 3. WHEREAS, THE OWNER, 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 any remaining rubbish on THE PROPERTY in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
26 days.

27 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
28 FURTHER NOTICED that the time within which judicial review of the administrative

1 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
2 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
3 Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

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

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

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

27 IT IS FURTHER ORDERED that all accumulated rubbish on THE PROPERTY be abated by
28 THE OWNER or anyone having possession or control of THE PROPERTY by removing and

1 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC Chapter
3 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
14 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
15 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
16 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
17 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
18 abatement costs accrued by the Code Enforcement Department will be recoverable from THE

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1 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Roy Wilson
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)