

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 21, 2008

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 06-5444 and CV 07-2562
Subject Property: 62950 Powerline Road, North Palm Springs
APN: 668-140-007
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-5444 and CV 07-2562 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 06-5444 and CV 07-2562; 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 06-5444 and CV 07-2562.

(Continued)

[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 *[Signature]*
BY *[Signature]*
[Signature]

Dept' Recomm.:
Per Exec. Ofc.:

X Consent Policy

X Consent Policy

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Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 06-5444 and CV 07-2562
Subject Property: 62950 Powerline Road, North Palm Springs
APN: 668-140-007
District Five

BACKGROUND:

On July 15, 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 (21 x 24 white 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:) [SUBSTANDARD STRUCTURE AND) ACCUMULATION OF RUBBISH]; APN 668-140-) 007, 62950 POWERLINE ROAD, NORTH PALM) SPRINGS, RIVERSIDE COUNTY,) CALIFORNIA; EDGAR A. GRANADOS,) OWNER.))))	CASE NOS. CV 06-5444 and CV 07-2562 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE [R.C.O. Nos. 457 (RCC Title 15), 541 (RCC Title 8) and 725 (RCC Title 1)]
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The above-captioned matter came on regularly for hearing on July 15, 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 62950 Powerline Road, North Palm Springs, Assessor's Parcel Number 668-140-007 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.

Edgar A. Granados, owner, appeared and 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 structure (21 x 24 white 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 owner
5 of THE PROPERTY as Edgar A. Granados ("OWNER").

6 2. Documents of title indicate that other parties potentially hold or allege a legal interest
7 in THE PROPERTY, to-wit: Pearl Nicholson, Felipe Martinez Contreras and Anacleto Garcia
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on April 2, 2007,
10 September 4, 2007, December 12, 2007, January 29, 2008, March 25, 2008, May 16, 2008 and July
11 9, 2008.

12 4. During each inspection, a substandard structure (21 x 24 white structure) was
13 observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and
14 vacant. The structure contained numerous deficiencies, including but not limited to: lack of or
15 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water
16 to plumbing fixtures; lack of connection to required sewage system; lack of required electrical
17 lighting; lack of adequate heating facilities; members of walls, partitions or other vertical supports
18 that split, lean, list or buckle due to defective materials; members of ceilings, roofs, ceiling and roof
19 supports or other horizontal members which sag, split or buckle due to defective material or
20 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation; and
21 public and attractive nuisance.

22 5. During each inspection an accumulation of rubbish was observed throughout THE
23 PROPERTY consisting of but not limited to: shrub and tree limbs and trimmings, trash, cans, bottles,
24 junk appliances, scrap metal and wood, tires, vehicle parts and dilapidated furniture.

25 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
26 Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

27 7. A Notice of Noncompliance for the substandard structure and accumulation of
28 rubbish was recorded on May 10, 2007 as Document Number 2007-0314935 in the Office of the

1 County Recorder, County of Riverside.

2 8. On April 2, 2007, Notices of Violation for the accumulated rubbish and substandard
3 structure, a Notice of Defects, and "Do Not Enter" and "Do Not Dump" signs were posted on THE
4 PROPERTY. On April 24, 2007 and September 24, 2007, Notices of Violation for the accumulated
5 rubbish and substandard structure were mailed to OWNER by certified mail, return receipt
6 requested. On September 24, 2007 and December 18, 2007, Notices of Violation for the
7 accumulated rubbish and substandard structure was mailed to INTERESTED PARTIES by certified
8 mail, return receipt requested.

9 9. On May 15, 2008, the "Amended Notice To Correct County Ordinance Violations and
10 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
11 July 15, 2008 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
12 PARTIES and was posted on THE PROPERTY on May 16, 2008.

13 10. During the public hearing, Supervisor Ashley directed the Code Enforcement
14 Department to return to the Board of Supervisors in ninety (90) days for a status update before the
15 abatement order would be executed. Supervisor Ashley stated that if substantial compliance had
16 been achieved at the end of the ninety (90) day post abatement period, then owner could request
17 additional time to complete the rehabilitation and/or demolition of the substandard structure.

18 **FINDINGS AND CONCLUSIONS**

19 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
20 regular session assembled on July 15, 2008 finds and concludes that:

21 1. WHEREAS, the substandard structure (21 x 24 white structure) and accumulation of
22 rubbish on the real property located at 62950 Powerline Road, North Palm Springs, Riverside
23 County, California, also identified as Assessor's Parcel Number 668-140-007 violates Riverside
24 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public
25 nuisance.

26 2. WHEREAS, THE OWNER, occupants and any person having possession or control
27 of THE PROPERTY should abate the substandard structure (21 x 24 white structure) by razing,
28 removing and disposing of the substandard structure, including the removal and disposal of all

1 structural debris and materials and contents therein, or by reconstruction and rehabilitation of said
2 structure provided that said reconstruction or demolition can be accomplished in strict accordance
3 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
4 457 (RCC Title 15) within ninety (90) days.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structure (21 x 24 white structure) on
17 THE PROPERTY be abated by the OWNER, specifically Edgar A. Granados or anyone having
18 possession or control of THE PROPERTY, by razing and removing the substandard structure
19 including the removal and disposal of all structural debris and materials, as well as the contents
20 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
21 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
22 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
23 posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structure (21 x 24 white structure) is not
25 razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all
26 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
27 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
28 structure, contents therein, and structural debris and materials, shall be abated by representatives of

1 the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon
2 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing
3 entry onto THE PROPERTY.

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

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

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

22 IT IS FURTHER ORDERED that the Code Enforcement Department is to return to the Board
23 of Supervisors in ninety (90) days for a status update and further approval before the above described
24 abatement of the substandard structure and accumulated rubbish can be executed.

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).

1 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
2 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
3 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
4 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
5 abatement costs accrued by the Code Enforcement Department will be recoverable from THE
6 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
7 this Order to Abate Nuisance.

8
9 Dated: _____

COUNTY OF RIVERSIDE

10
11 By _____
12 Roy Wilson
Chairman, Board of Supervisors

13 ATTEST:
14 NANCY ROMERO
15 Clerk to the Board

16
17 By
18 Deputy
19 (SEAL)
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24 FORM APPROVED COUNTY COUNSEL
25 BY: Tiffany N. North 7/21/08
TIFFANY N. NORTH DATE

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