

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

306B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 2, 2009

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 07-2621 and CV 08-02068
Subject Property: 24901 Lindsay Avenue, Ripley
APN: 872-302-023
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-2621 and CV 08-02068 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 07-2621 and CV 08-02068; 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 07-2621 and CV 08-02068.

(Continued)

[Signature]
JULIE A.K. JARVIS, Deputy County Counsel
for PAMELA J. WALLS, Interim 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 01/27/09; 9.4 | District: 4 | Agenda Number:

2.7

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos: CV 07-2621 and CV 08-02068

Subject Property: 24901 Lindsay Avenue, Ripley

APN: 872-302-023

District Four

BACKGROUND:

On January 27, 2009, 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 (residence) 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:
Julie A.K. Jarvi, 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 07-2621 &
[SUBSTANDARD STRUCTURE AND)	CV 08-02068
ACCUMULATION OF RUBBISH]; APN 872-302-)	
023, 24901 LINDSAY AVENUE, RIPLEY,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; PEDRO)	CONCLUSIONS AND ORDER TO
RASCON, OWNER.)	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 January 27, 2009, 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 24901 Lindsay Avenue, Ripley, Assessor's Parcel Number 872-302-023 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Supervising Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of OWNER.

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 owner
3 of THE PROPERTY as Pedro Rascon ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to wit: Palo Verde Irrigation District ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 6, 2007, July
7 23, 2007, September 27, 2007, November 14, 2007, January 2, 2008, March 5, 2008, March 27,
8 2008, May 19, 2008, October 3, 2008, December 8, 2008, December 29, 2008 and January 23, 2009.

9 4. During each inspection, one substandard structure (residence) 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: lack of hot and cold running water to
12 plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring;
13 deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members
14 of walls that lean or buckle; ceiling split; faulty weather protection; general dilapidation or improper
15 maintenance; public and attractive nuisance.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: scrap wood, metal, discarded household items, dried
18 vegetation and trash.

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

21 7. Notices of Noncompliance were recorded on January 18, 2008 as Document Number
22 2008-0029311 and on April 10, 2008 as Document Number 2008-0178054 in the Office of the
23 County Recorder, County of Riverside.

24 8. On June 6, 2007, a Notice of Violation, Notice of Defects and "Danger - Do Not
25 Enter" signs were posted on THE PROPERTY. On June 11, 2007, a Notice of Violation and Notice
26 of Defects were mailed by certified mail, return receipt requested to OWNER.

27 9. On December 23, 2008, a "Notice to Abate Nuisance" providing notice of the public
28 hearing before the Board of Supervisors on January 27, 2009 was mailed by certified mail, return

1 receipt requested, to OWNER and was posted on THE PROPERTY on December 29, 2008.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on January 27, 2009 finds and concludes that:

5 1. WHEREAS, the substandard structure (residence) and accumulation of rubbish on the
6 real property located at 24901 Lindsay Avenue, Ripley, Riverside County, California, also identified
7 as Assessor's Parcel Number 872-302-023 violates Riverside County Ordinance Nos. 457 (RCC Title
8 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

9 2. WHEREAS, OWNER, occupants and any person having possession or control of
10 THE PROPERTY should abate the substandard structure (residence) by razing, removing and
11 disposing of the substandard structure, including the removal and disposal of all structural debris
12 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided
13 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
14 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
15 (90) days.

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

20 4. WHEREAS, OWNER IS HEREBY FURTHER NOTICED that the time within
21 which judicial review of the administrative determinations made herein must be sought is ninety (90)
22 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
23 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (residence) on THE
26 PROPERTY be abated by OWNER, specifically Pedro Rascon, or anyone having possession or
27 control of THE PROPERTY, by razing and removing the substandard structure including the
28 removal and disposal of all structural debris and materials, as well as the contents therein, or by

1 reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can
2 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited
3 to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this
4 Order to Abate Nuisance.

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

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

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by OWNER or anyone having possession or control of THE PROPERTY by removing and
21 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
23 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order
27 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
28 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon

1 receipt of an owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
6 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
7 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
8 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
9 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
10 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
11 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
12 Order to Abate Nuisance.

13
14 Dated: _____

COUNTY OF RIVERSIDE

15
16 By _____
17 Jeff Stone
Chairman, Board of Supervisors

18 ATTEST:
19 NANCY ROMERO
20 Clerk to the Board

FORM APPROVED COUNTY COUNSEL
21 BY Julie A. Koons DATE 2/2/09
JULIE A. KOONS, CLERK DATE

22 By
23 Deputy
24 (SEAL)

25
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