

**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:
February 2, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 08-04627
Subject Property: 1 Lot North of 54525 Van Buren Street, Thermal
APN: 767-390-015
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04627 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 08-04627; 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 08-04627.

Julie A.K. Jarvi

JULIE A.K. JARVI, 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: *Tina Grande*

Tina Grande
County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- X
- X

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

2.9

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-04627

Subject Property: 1 Lot North of 54525 Van Buren Street, Thermal

APN: 767-390-015

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 structures (four single family dwellings) 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 NO. CV 08-04627
[SUBSTANDARD STRUCTURES AND)	
ACCUMULATION OF RUBBISH]; APN 767-390-)	FINDINGS OF FACT,
015, 1 LOT NORTH OF 54525 VAN BUREN)	CONCLUSIONS AND ORDER TO
STREET, THERMAL, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; MISSION SOUTH, LLC, 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 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 1 Lot North of 54525 Van Buren Street, Thermal, Assessor's Parcel Number 767-390-015 and referred to hereinafter as "THE PROPERTY."

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

Mr. Wallace Benward appeared on behalf of OWNER, and former owner, Mr. Robert Rippe, also appeared. Both parties addressed the Board.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE

1 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title
2 15) and 541 (Riverside County Code Chapter 8.120), and as a public 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 Mission South, LLC ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to-wit: Susan B. Phillips, Esq., C/O Law Office of Weitzen & Phillips, LLC, Monterra
8 Holdings, LLC, A.W. Properties West, LLC, La Jolla Bank and Twin Development, LLC
9 ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on May 28, 2008,
11 July 17, 2008, August 15, 2008, September 22, 2008, October 29, 2008, December 29, 2008 and
12 January 26, 2009.

13 4. During each inspection, substandard structures (four single family residences) were
14 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
15 vacant. The structures contained numerous deficiencies, including but not limited to: faulty weather
16 protection; general dilapidation or improper maintenance; abandoned, vacant, attractive and public
17 nuisance.

18 5. During each inspection an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: wood, metal, plastic, drywall, insulation, roofing
20 tile, cut dead vegetation, furniture, household items, tires and trash.

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

23 7. A Notice of Noncompliance was recorded on May 30, 2008, as Document Number
24 2008-0293699 in the Office of the County Recorder, County of Riverside.

25 8. On May 28, 2008, Notices of Violation and "Danger - Do Not Enter" signs were
26 posted on THE PROPERTY. On June 9, 2008 and August 1, 2008, Notices of Violation were
27 mailed via certified mail, return receipt requested to OWNER and INTERESTED PARTIES.

28 9. On December 23, 2008 a "Notice to Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors on January 27, 2009 was mailed by certified mail, return
2 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY
3 on December 29, 2008.

4 **FINDINGS AND CONCLUSIONS**

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

7 1. WHEREAS, the substandard structures (four single family dwellings) and
8 accumulation of rubbish on the real property located at 1 Lot North of 54525 Van Buren Street,
9 Thermal, Riverside County, California, also identified as Assessor's Parcel Number 767-390-015
10 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120)
11 and constitutes a public nuisance.

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

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

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

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1 **ORDER TO ABATE NUISANCE**

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

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
26 disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
28 within ninety (90) days of the date of this Order to Abate Nuisance.

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  2/2/09
JULIE A. KOONS JARVI DATE

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