

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

9286



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

**SUBMITTAL DATE:**  
March 23, 2009

**SUBJECT:** Order to Abate [Substandard Structures and Accumulation of Rubbish]  
Case No.: CV 08-04519  
Subject Property: 82770 Avenue 62, Thermal  
APN: 764-300-014  
District Four

**RECOMMENDED MOTION: Move that**

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04519 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 08-04519; 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 08-04519.

(Continued)

*[Signature]*  
JULIE A.K. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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: \_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

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

RECEIVED BY: [Signature]  
DATE: 03/23/09

**Prev. Agn. Ref.:** 03/17/09; 9.3 | **District:** 4 | **Agenda Number:**

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-04519

Subject Property: 82770 Avenue 62, Thermal

APN: 764-300-014

District Four

**BACKGROUND:**

On March 17, 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 (main house, guest house and garage) 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 08-04519
[SUBSTANDARD STRUCTURES AND	)	
ACCUMULATION OF RUBBISH]; APN 764-300-	)	FINDINGS OF FACT,
014, 82770 AVENUE 62, THERMAL,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; GREEN	)	ABATE NUISANCE
HILLS DEVELOPMENT GROUP, FORMER	)	
OWNER AND CANYON NATIONAL BANK,	)	[R.C.O. Nos. 457 (RCC Title 15), 541
CURRENT OWNER.	)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on March 17, 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 82770 Avenue 62, Thermal, Assessor's Parcel Number 764-300-014 and referred to hereinafter as "THE PROPERTY."

Elena Boeva, Deputy County Counsel, appeared along with Hector Viray, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Anthony Searing, representative for current owner, Canyon National Bank, appeared but did not address 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 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title

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

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the former  
4 owner of THE PROPERTY as Green Hills Development Group ("FORMER OWNER") and the  
5 current owner as Canyon National Bank ("CURRENT OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to wit: American Title Company, Stewart Title of California, Inc., a California  
8 Corporation- Riverside Commercial Division, Dina Stuart, Trustee of the Dina Stuart Revocable  
9 Trust, U.D.T. dated July 6, 2006 ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on May 22, 2008,  
11 July 31, 2008, September 3, 2008, October 14, 2008, November 13, 2008, December 29, 2008,  
12 February 28, 2009 and March 13, 2009.

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

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

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 August 7, 2008, as Document Number  
24 2008-0435599 in the Office of the County Recorder, County of Riverside.

25 8. On May 22, 2008, Notices of Violation, Notice of Defects and Danger Do Not Enter  
26 signs were posted on THE PROPERTY. On June 16, 2008, Notices of Violation and a Notice of  
27 Defects was mailed by certified mail, return receipt requested to FORMER OWNER and CURRENT  
28 OWNER and on August 5, 2008 was mailed to INTERESTED PARTIES.



1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structures (main house, guest house and  
3 garage) on THE PROPERTY be abated by the CURRENT OWNER, specifically Canyon National  
4 Bank, or anyone having possession or control of THE PROPERTY, by razing and removing the  
5 substandard structures including the removal and disposal of all structural debris and materials, as  
6 well as the 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 (main house, guest house and  
11 garage) are not razed, removed and disposed of, or reconstructed and rehabilitated in strict  
12 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
13 Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate  
14 Nuisance, the substandard structures, contents therein, and structural debris and materials, shall be  
15 abated and disposed of by representatives of the Riverside County Code Enforcement Department, a  
16 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where  
17 necessary, under applicable law authorizing entry onto THE PROPERTY.

18 FURTHERMORE, THE CURRENT OWNER is ordered to ascertain the existence or non-  
19 existence of asbestos containing materials in said structures by survey and materials sample testing  
20 by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove,  
21 to secure the removal of all asbestos containing materials discovered through such survey and testing  
22 by 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 CURRENT OWNER or anyone having possession or control of THE PROPERTY by  
26 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside  
27 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
28 8.120), within ninety (90) days of the posting and mailing 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  
4 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of  
5 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon  
6 receipt of an 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 Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter  
11 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
12 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
13 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
14 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
15 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER

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

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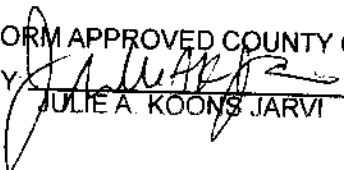
Dated: \_\_\_\_\_

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:  3/23/09  
JULIE A. KOONS JARVI DATE