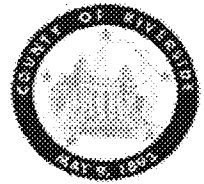


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

424 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 6, 2009

SUBJECT: Order to Abate [Substandard Structure]; (ESTATE OF STANLEY E. RAGSDALE)
Case No.: CV 08-01460
Subject Property: 44125 Ragsdale Road, Desert Center; APN 808-105-002
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01460 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 08-01460 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 08-01460

Departmental Concurrence

BACKGROUND:

On June 9, 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 located 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, Conclusion and Order to Abate.

JONATHAN D. HOLUB, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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

County Executive Office Signature

Policy Policy

Consent Consent

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

Prev. Agn. Ref.: 06/09/09; 9.6 | District: 4 | Agenda Number: 2.18

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk to the
2 Board of Supervisors (Stop #1010)

3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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|---|-------------------------------------|
| IN RE ABATEMENT OF PUBLIC NUISANCE:) | CASE NO. CV 08-01460 |
| [SUBSTANDARD STRUCTURE]; APN: 808-105-)) | |
| 002, 44125 RAGSDALE ROAD, DESERT) | FINDINGS OF FACT, |
| CENTER, RIVERSIDE COUNTY, CALIFORNIA;)) | CONCLUSIONS AND ORDER TO |
| ESTATE OF STANLEY E. RAGSDALE,) | ABATE NUISANCE |
| OWNER.) | |
| _____) | [R.C.O. Nos. 457 (RCC Title 15) and |
| | 725 (RCC Title 1)] |

16 The above-captioned matter came on regularly for hearing on May 19, 2009 and was
17 continued to June 9, 2009, before the Board of Supervisors of the County of Riverside, State of
18 California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street,
19 Riverside, California regarding the real property described as 44125 Ragsdale Road, Desert Center,
20 Riverside County, APN: 808-105-002, and referred to hereinafter as "THE PROPERTY."

21 Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of the Owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
27 Title 15.

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SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder's Office identify the Owner of THE PROPERTY as Estate of Stanley E. Ragsdale ("OWNER").

2. Documents of title indicate that no other parties potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on March 18, 2008, May 5, 2008, October 28, 2008, December 15, 2008, April 15, 2009 and May 18, 2009.

4. During each inspection, a substandard structure (brick school structure) was observed on THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; abandoned/vacant, public and attractive nuisance.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded on November 25, 2008 as Document Number 2008-0624409 in the Office of the County Recorder, County of Riverside.

7. On March 18, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not Enter" sign were posted on THE PROPERTY. On March 28, 2008, Notice of Violation and Notice of Defects were mailed by certified mail, return receipt requested to the OWNER and on May 2, 2008, was mailed to attorney representing Administrator of the decedent's estate.

8. On April 15, 2009, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNER and was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on June 9, 2009 finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 44125 Ragsdale
5 Road, Desert Center, Riverside County, California, also identified as Assessor's Parcel Number 808-
6 105-002 violates Riverside County Ordinance No. 457 and constitutes a public and attractive
7 nuisance.

8 2. WHEREAS, THE OWNER, occupants and any person having possession or control
9 of THE PROPERTY should abate the condition by securing all openings to the structure within one
10 hundred twenty (120) days of the mailing and posting of this order and shall keep the property clear
11 of accumulated rubbish.

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
18 at 44125 Ragsdale Road, Desert Center, Riverside County, California, also identified as Assessor's
19 Parcel Number 808-105-002 be abated by the OWNER, and anyone having possession or control of
20 THE PROPERTY, by securing all openings to the structure within one hundred twenty (120) days of
21 the posting and mailing of this Order to Abate Nuisance and shall keep THE PROPERTY clear of
22 accumulated rubbish.

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY; which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
27 means "any costs or expenses reasonably related to the abatement of conditions which violate County
28 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection

1 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
2 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
3 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
4 one hundred twenty (120) days of the date of this Order to Abate Nuisance.

5 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)