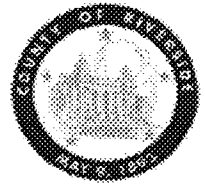


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

817B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 30, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 08-01318
Subject Property: 56541 Highway 86, Thermal
APN: 759-020-008
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01318 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 08-01318; 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 08-01318.

(Continued)

[Signature]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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

BY: *[Signature]*
Tina Grande

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 11/6/07; 9.1 | District: 4 | Agenda Number:

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-01318

Subject Property: 56541 Highway 86, Thermal

APN: 759-020-008

District Four

BACKGROUND:

On June 30, 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 (duplex and single family 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.

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A.K. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3535 Tenth Street, Suite 300 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO.: CV 08-01318
14 [SUBSTANDARD STRUCTURES AND)
15 ACCUMULATION OF RUBBISH]; APN 759-020-)
16 008, 56541 HIGHWAY 86, THERMAL) FINDINGS OF FACT,
17 RIVERSIDE COUNTY, CALIFORNIA; RAUL) CONCLUSIONS AND ORDER TO
18 MENDOZA, OWNER.) ABATE NUISANCE
19) [R.C.O. Nos. 457 (RCC Title 15), 541
20) (RCC Title 8) and 725 (RCC Title 1)]
21)

22 The above-captioned matter came on regularly for hearing on June 30, 2009, before the Board
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
25 described 56541 Highway 86, Thermal, Assessor's Parcel Number 759-020-008 and referred to
26 hereinafter as "THE PROPERTY."

27 Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Senior Code
28 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the Owner.

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
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.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Raul Mendoza (hereinafter referred to as "OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: American General Finance, Inc., Riverside County DCSS, and Riverside County
6 Tax Collector (hereinafter referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 27, 2008,
8 September 22, 2008, November 13, 2008, December 19, 2008, March 10, 2009, April 9, 2009, June
9 1, 2009, and June 23, 2009.

10 4. During each inspection, two substandard structures (duplex and single family
11 residence) were observed on THE PROPERTY. The structures were observed to be abandoned,
12 dilapidated and vacant. The duplex contained numerous deficiencies, including but not limited to:
13 faulty weather protection; general dilapidation and improper maintenance; and public and attractive
14 nuisance. The single family residence contained numerous deficiencies, including but not limited to:
15 hazardous plumbing; hazardous wiring; faulty weather protection; general dilapidation and improper
16 maintenance; and public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: tires, construction material, metal, wood, plastic,
19 household trash, and cut/dead/dry vegetation.

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

22 7. A Notice of Noncompliance for the accumulation of rubbish was recorded on October
23 3, 2008, as Document Number 2008-0537663 in the Office of the County Recorder, County of
24 Riverside.

25 8. On June 27, 2008, Notices of Violation, Notices of Defects and Danger Do Not Enter
26 signs were posted on THE PROPERTY. On August 15, 2008, Notices of Violation and Notices of
27 Defects were mailed by certified mail, return receipt requested to OWNER and INTERESTED
28 PARTIES. On November 19, 2008, Notices of Violation were mailed to an additional

1 INTERESTED PARTY.

2 9. On May 5, 2009, a "Notice To Abate Nuisance" providing notice of the public hearing
3 before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNER
4 and was posted on THE PROPERTY on June 1, 2009.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on June 30, 2009 finds and concludes that:

8 1. WHEREAS, the substandard structures (duplex and single family residence) and
9 accumulation of rubbish on the real property located at 56541 Highway 86, Thermal , Riverside
10 County, California, also identified as Assessor's Parcel Number 759-020-008 violates Riverside
11 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public
12 nuisance.

13 2. WHEREAS, THE OWNER, occupants and any person having possession or control
14 of THE PROPERTY should abate the substandard structures (duplex and single family residence) by
15 razing, removing and disposing of the substandard structures, including the removal and disposal of
16 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
17 structures provided that said reconstruction or demolition can be accomplished in strict accordance
18 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
19 457 within ninety (90) days.

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

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

28 //

1 **ORDER TO ABATE NUISANCE**

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

10 IT IS FURTHER ORDERED that if the substandard structures (duplex and single family
11 residence) 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 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 on 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 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
16 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order
17 to Abate Nuisance.

18
19 Dated: _____

COUNTY OF RIVERSIDE

20
21 By _____
22 Jeff Stone
23 Chairman, Board of Supervisors

24 ATTEST:

25 KECIA HARPER-IHEM

26 Clerk to the Board

27 By

28 Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 7/28/09
JULIE A. KOONS JARVI DATE