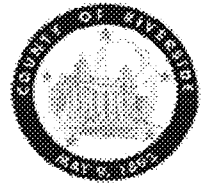


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

834 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 5, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 06-7631 & CV 07-3176
Subject Property: 64641 Dillon Road, North Palm Springs
APN: 666-280-013
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-7631 & CV 07 3176 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 06-7631 & CV 07-3176; 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 06-7631 & CV 07-3176.

(Continued)

Julie A.K. Jarvi

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

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case Nos.: CV 06-7631 & CV 07-3176

Subject Property: 64641 Dillon Road, North Palm Springs

APN: 666-280-013

District Five

BACKGROUND:

On June 23, 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 dwelling and detached 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.

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

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

[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS.: CV 06-7631 & CV 07-
12 [SUBSTANDARD STRUCTURES AND) 3176
ACCUMULATION OF RUBBISH]; APN 666-280-)
13 013, 64641 DILLON ROAD, NORTH PALM) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; MARIANO M. PASAMONTE) ABATE NUISANCE
AND ZENYA PASAMONTE, OWNERS.)
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on June 23, 2009, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 64641 Dillon Road, North Palm Springs, Assessor's Parcel Number 666-280-013 and
21 referred to hereinafter as "THE PROPERTY."

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

24 No one appeared on behalf of the Owner.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 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 owners of
3 THE PROPERTY as Mariano M. Pasamonte and Zenya Pasamonte (hereinafter referred to as
4 "OWNERS").

5 2. Documents of title indicate that no other party potentially holds a legal interest in THE
6 PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 14,
8 2006, February 1, 2007, May 1, 2007, February 25, 2008, May 20, 2008, July 7, 2008, August 8,
9 2008, December 8, 2008, April 29, 2009, and June 19, 2009.

10 4. During each inspection, two substandard structures (main dwelling and detached
11 garage) were observed on THE PROPERTY. The structures were observed to be abandoned,
12 vacant, and dilapidated. The main dwelling contained numerous deficiencies, including but not limited
13 to: lack of or improper water closet; lack of hot and cold running water to plumbing fixtures;
14 hazardous plumbing; lack of required electrical lighting hazardous wiring lack of adequate heating
15 facilities members of walls, partitions, or other vertical supports that split, lean, list or buckle due to
16 defective materials or deterioration; dampness of habitable rooms, faulty weather protection, general
17 dilapidation or improper maintenance, and public and attractive nuisance. The detached garage
18 contained numerous deficiencies, including but not limited to: hazardous wiring members of walls,
19 partitions, or other vertical supports that split, lean, list or buckle due to defective materials or
20 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members
21 which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms;
22 faulty weather protection; and general dilapidation or improper maintenance.

23 5. During each inspection an accumulation of rubbish was observed throughout THE
24 PROPERTY consisting of but not limited to: bags of trash, pieces of metal, wood, trimmings, green
25 waste, debris, tires, and rusted piping

26 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
27 Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

28 7. A Notice of Noncompliance for the substandard structures and accumulation of

1 rubbish was recorded against the prior owners on May 30, 2007, as Document Number 2007-
2 0355424 in the Office of the County Recorder, County of Riverside. A Notice of Noncompliance for
3 the substandard structures and accumulation of rubbish was recorded against the OWNERS on May
4 28, 2008, as Document Number 2008-0289484 in the Office of the County Recorder, County of
5 Riverside.

6 8. On February 1, 2007 and May 1, 2007, Notices of Violation, Notices of Defects, and
7 Danger Do Not Enter and Do Not Dumps signs were posted on THE PROPERTY. On February 21,
8 2007, May 18, 2007, May 9, 2008, and May 23, 2008, Notices of Violation were mailed to
9 OWNERS via certified mail, return receipt requested.

10 9. On April 28, 2009, a "Notice To Abate Nuisance" providing notice of the public
11 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
12 OWNER and was posted on THE PROPERTY on April 29, 2009.

13 FINDINGS AND CONCLUSIONS

14 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
15 regular session assembled on June 23, 2009 finds and concludes that:

16 1. WHEREAS, the substandard structures (main dwelling and detached garage) and
17 accumulation of rubbish on the real property located at 64641 Dillon Road, North Palm Springs,
18 Riverside County, California, also identified as Assessor's Parcel Number 666-280-013 violates
19 Riverside County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes
20 a public nuisance.

21 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
22 of THE PROPERTY should abate the substandard structures (main dwelling and detached garage) by
23 razing, removing and disposing of the substandard structures, including the removal and disposal of
24 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
25 structures provided that said reconstruction or demolition can be accomplished in strict accordance
26 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
27 457 within ninety (90) days.

28 3. WHEREAS, THE OWNERS, occupants and any other person having possession or

1 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
2 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
3 but not limited to Riverside County Ordinance No. 541 within ninety(90) days.

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

8 **ORDER TO ABATE NUISANCE**

9 IT IS THEREFORE ORDERED that the substandard structures (main dwelling and detached
10 garage) on THE PROPERTY be abated by the OWNERS, specifically Mariano M. Pasamonte and
11 Zenya Pasamonte, or anyone having possession or control of THE PROPERTY, by razing and
12 removing the substandard structures including the removal and disposal of all structural debris and
13 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
14 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
16 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

25 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
26 asbestos containing materials in said structures by survey and materials sample testing by a duly
27 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
28 the removal of all asbestos containing materials discovered through such survey and testing by

1 contract with a duly certified and licensed contractor for the handling of such materials to avoid
2 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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

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

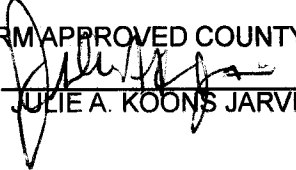
12
13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Jeff Stone
Chairman, Board of Supervisors

17 ATTEST:
18 KECIA HARPER-IHEM
19 Clerk to the Board
20

21 By
22 Deputy
23 (SEAL)
24
25
26
27
28

FORM APPROVED COUNTY COUNSEL
BY:  8/3/09
JULIE A. KOONS JARVI DATE