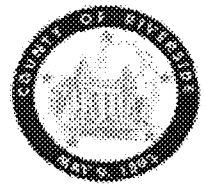


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

827B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 24, 2009

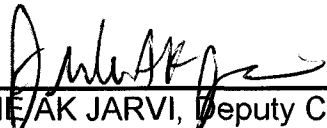
SUBJECT: Abatement of Public Nuisance [Substandard Structures & Accumulation of Rubbish];
Case No.: CV 08-02186
Subject Property: North of 88350 Airport Blvd. on Avenue 55, Thermal
APN: 763-370-027; District 4

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The substandard structures (outdoor bar with patio, shed, single family dwelling, outdoor bathroom, north stables, south stables, arena and stage/billboard) on the real property located North of 88350 Airport Blvd. on Avenue 55, Thermal, Riverside County, California, APN 763-370-027 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) First Regional Bank, the owner of the subject real property, be directed to abate the substandard structures on the property by rehabilitating, removing and/or demolishing the same from the real property, including the removal and disposal of all structural debris and materials, within ninety (90) days.

(Continued)



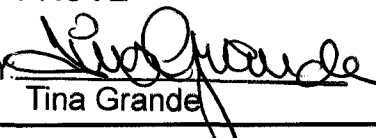
JULIE/AK JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

County Executive Office Signature

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

SUBMITTED TO: DISTRICT SUPERVISOR

Prev. Agn. Ref.: _____ **District:** 4 **Agenda Number:** _____

Abatement of Public Nuisance

North of 88350 Airport Blvd. on Avenue 55, Thermal

CV 08-02186

Page 2

- (3) The owner be ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.
- (4) The accumulation of rubbish on the real property located North of 88350 Airport Blvd. on Avenue 55, Thermal, be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
- (5) First Regional Bank, the owner of the subject property, be directed to abate the accumulation of rubbish on the property by removing and disposing of the same from the real property within ninety (90) days.
- (6) If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owners, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structures and the accumulation of rubbish by removing and disposing of the same from the real property.
- (7) The reasonable cost of the abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (8) County Counsel be directed to prepare the necessary Findings of Fact and Conclusions of Law that the substandard structures on the real property and the accumulation of rubbish are declared to be in violation of Riverside County Ordinance Nos. 457 and 541 and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on April 16, 2008.
2. The inspection revealed eight substandard structures (outdoor bar with patio, shed, dwelling, outhouse, north stables, south stables, arena and stage/billboard) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: faulty weather protection, general dilapidation or improper maintenance; extensive fire damage; abandoned, vacant, public and attractive nuisance. The inspection also revealed the accumulation of rubbish (approximately 4,800 square feet) on the subject property in violation of Riverside County Ordinance No. 541. The accumulation of rubbish consisted of, but was not limited to the following materials: cut/dead vegetation, wood, metal, plastic, furniture, block cement, household items, construction materials, and 10-20 discarded tires.

3. Subsequent inspections of the above-described real property on May 20, 2008, July 15, 2008, August 7, 2008, October 6, 2008, November 13, 2008, January 30, 2009 and June 19, 2009, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
4. Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structures and accumulation of rubbish.