

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

810 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 10, 2009

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 08-05105 & CV 08-06341; (LEE FAMILY PARTNERSHIP)
Subject Property: 16723 Palm Dr., Desert Hot Springs
APN: 657-060-005
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-05105 & CV 08-06341 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 08-05105 & CV 08-06341; 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 08-05105 & CV 08-06341.

[Signature]

JULIE 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Per. Exec. Ofc.
- Policy

Dep't Recomm.:
Per. Exec. Ofc.:

2.19

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 08-05105 & CV 08-06341

Subject Property: 16723 Palm Dr., Desert Hot Springs

APN: 657-060-005

District Five

BACKGROUND:

On October 6, 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 (dwelling) 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 Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 08-05105 and
12 [SUBSTANDARD STRUCTURE AND) CV 08-06341
13 ACCUMULATION OF RUBBISH]; APN 657-060-)
14 005, 16723 PALM DRIVE, DSEERT HOT) FINDINGS OF FACT,
15 SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
16 CALIFORNIA; LEE FAMILY PARTNERSHIP,) ABATE NUISANCE
OWNER.)
[R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on October 6, 2009, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 16723 Palm Drive, Desert Hot Springs, Riverside County, Assessor's Parcel
21 Number 657-060-005 and referred to hereinafter as "THE PROPERTY."

22 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of 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
28 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
3 of THE PROPERTY as Lee Family Partnership ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Shoshone Service Corporation, Jones, Troyan, Coco & Pappas, and Judith Lynn
6 Pilson ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 22, 2008,
8 November 22, 2008, December 16, 2008, February 17, 2009, July 23, 2009 and October 5, 2009.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE
10 PROPERTY which appeared to be vacant. The structure contained numerous deficiencies, including
11 but not limited to: dampness of habitable rooms; general dilapidation; lack of siding; abandoned and
12 unsecure; a possible biohazard; graffiti, public and attractive nuisance.

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: broken furniture, scrap metal, scrap lumber, tires, trash,
15 several fifty-five (55) gallon drums, and green waste.

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

18 7. A Notice of Noncompliance was recorded on November 20, 2008, as Document
19 Number 2008-0618625 in the Office of the County Recorder, County of Riverside.

20 8. On October 22, 2008, Notices of Violation, a "Danger - Do Not Enter" and a "Do Not
21 Dump" sign was posted on THE PROPERTY. On November 7, 2008, Notice of Violation for the
22 substandard structure was mailed by certified mail, return receipt requested to OWNER and on
23 November 14, 2008 a Notice of Violation for the accumulated rubbish was mailed by certified mail,
24 return receipt requested to OWNER and INTERESTED PARTIES.

25 9. On July 21, 2009, a "Notice to Abate Nuisance" providing notice of the public
26 hearing before the Board of Supervisors on October 6, 2009, was mailed by certified mail, return
27 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY
28 on July 23, 2009.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on October 6, 2009, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
5 real property located at 16723 Palm Drive, Desert Hot Springs, Riverside County, California, also
6 identified as Assessor's Parcel Number 657-060-005 violates Riverside County Ordinance Nos. 457
7 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

19 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
20 FURTHER NOTICED that the time within which judicial review of the administrative
21 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
22 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
23 Civil Procedure Section 1094.6.

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNER, specifically Lee Family Partnership or anyone having
27 possession or control of THE PROPERTY, by razing and removing the substandard structure
28 including the removal and disposal of all structural debris and materials, as well as the contents

1 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
2 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
4 posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
6 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
8 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
9 therein, and structural debris and materials, shall be abated by representatives of the Riverside
10 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the
11 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
12 PROPERTY.

13 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
14 asbestos containing materials in said structures by survey and materials sample testing by a duly
15 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
16 the removal of all asbestos containing materials discovered through such survey and testing by
17 contract with a duly certified and licensed contractor for the handling of such materials to avoid
18 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
21 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
23 within ninety (90) days of the date of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
7 expenses reasonably related to the abatement of conditions which violate County Land Use
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
11 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
12 (90) days of the date of this Order to Abate Nuisance.

FORM APPROVED COUNTY COUNSEL
BY JAMES A. KOONS JARVI DATE 10/20/09

14 Dated: _____

COUNTY OF RIVERSIDE

16 By _____
17 Jeff Stone
Chairman, Board of Supervisors

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

22 By
23 Deputy
24 (SEAL)
25
26
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