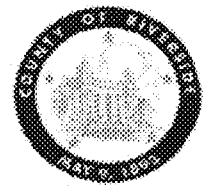


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

311 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 7, 2009

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 08-05061 & CV 07-2045 (WALTERS)
Subject Property: 52243 Date Avenue, Cabazon
APN: 528-104-022
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-05061 and CV 07-2045 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 08-05061 and CV 07-2045; 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 08-05061 and CV 07-2045.

(Continued)

[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

Policy
 Policy
 Consent
 Consent

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

Prev. Agn. Ref.: 11/24/09; 9.11 | District: 5 | Agenda Number:

2.11

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 08-05061 and CV 07-2045

Subject Property: 52243 Date Avenue, Cabazon

APN: 528-104-022

District Five

BACKGROUND:

On November 24, 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 (wooden structure and carport) 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 Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (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 08-05061 and
12 [SUBSTANDARD STRUCTURE AND) CV 07-2045
ACCUMULATION OF RUBBISH]; APN 528-104-)
13 022, 52243 DATE AVENUE, CABAZON,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
14 OF LURA WALTERS, OWNER.) ABATE NUISANCE
15)
16) [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 November 24, 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 52243 Date Avenue, Cabazon, Riverside County, Assessor's Parcel Number 528-
21 104-022 and referred to hereinafter as "THE PROPERTY."

22 Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code 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 structure 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.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 **THE PROPERTY** as Estate of Lura Walters ("OWNER").

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

6 3. **THE PROPERTY** was inspected by Code Enforcement Officers on April 2, 2007,
7 May 8, 2007, June 10, 2008, May 30, 2009, July 30, 2009, November 10, 2009 and November 19,
8 2009.

9 4. During each inspection, two substandard structures (wooden structure and carport)
10 were observed on **THE PROPERTY**. The structures were observed to be abandoned, dilapidated
11 and vacant. The structures contained numerous deficiencies, including but not limited to: hazardous
12 wiring; members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag,
13 split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty
14 weather protection; general dilapidation; public and attractive nuisance.

15 5. During each inspection an accumulation of rubbish was observed throughout **THE**
16 **PROPERTY** consisting of but not limited to: green waste, tires, household trash, rags, cans and
17 debris.

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

20 7. A Notice of Noncompliance for the substandard structures and accumulation of
21 rubbish was recorded on June 25, 2009, as Document Number 2009-0325147 in the Office of the
22 County Recorder, County of Riverside.

23 8. On April 2, 2007, a Notice of Violation for the accumulated rubbish was posted on
24 **THE PROPERTY**. On April 16, 2007, a Notice of Violation was mailed by certified mail, return
25 receipt requested to OWNER. On June 10, 2008, a Notice of Violation, Notice of Defects and
26 Danger Do Not Enter signs were posted on **THE PROPERTY** for the substandard wooden structure.

27 On July 8, 2008, a Notice of Violation and Notice of Defects were mailed by certified mail, return
28 receipt requested to OWNER. On May 30, 2009, a Notice of Violation for the substandard carport

1 was posted on THE PROPERTY. On June 24, 2009, a Notice of Violation and Notice of Defects
2 were mailed by certified mail, return receipt requested to OWNER.

3 9. On October 29, 2009, a "Notice to Abate Nuisance" providing notice of the public
4 hearing before the Board of Supervisors on November 24, 2009 was mailed by certified mail, return
5 receipt requested, to OWNER and was posted on THE PROPERTY on November 10, 2009.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on November 24, 2009 finds and concludes that:

9 1. WHEREAS, the substandard structures (wooden structure and carport) and
10 accumulation of rubbish on the real property located at 52243 Date Avenue, Cabazon, Riverside
11 County, California, also identified as Assessor's Parcel Number 528-104-022 violates Riverside
12 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public
13 nuisance.

14 2. WHEREAS, THE OWNER, occupants and any person having possession or control
15 of THE PROPERTY should abate the substandard structures (wooden structure and carport) by
16 razing, removing and disposing of the substandard structures, including the removal and disposal of
17 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
18 structures provided that said reconstruction or demolition can be accomplished in strict accordance
19 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
20 457 within ninety (90) days.

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

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

1 **ORDER TO ABATE NUISANCE**

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

10 IT IS FURTHER ORDERED that if the substandard structures (wooden structure and
11 carport) 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 structure 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

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1 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
2 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order
3 to Abate Nuisance.

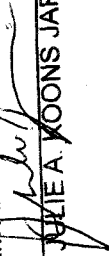
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5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Jeff Stone
9 Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13 By _____
14 Deputy
15 (SEAL)
16

FORM APPROVED COUNTY COUNSEL
BY:  JULIE A. KOONS JARVI
DATE: 12/11/03

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