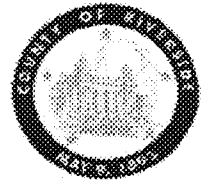


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

407B



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 06-7533 & CV 06-7534 (CHARLES)
Subject Property: 2 Parcels North of 14875 Mc Garger Road, Desert Hot Springs
APN: 656-270-012
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-7533 & CV 06-7534 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 06-7533 & CV 06-7534; 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 06-7533 & CV 06-7534.

(Continued)

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

County Executive Office Signature BY:
Tina Grande

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 11/24/09; 9.8 | District: 5 | Agenda Number:

2.5

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 06-7533 & CV 06-7534

Subject Property: 2 Parcels North of 14875 Mc Garger Road, Desert Hot Springs

APN: 656-270-012

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 structures (single family residence and detached garage with wood shed) 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 06-7533 and
12 [SUBSTANDARD STRUCTURE AND) CV 06-7534
ACCUMULATION OF RUBBISH]; APN 656-270-)
13 012, 2 PARCELS NORTH OF 14875 MC) FINDINGS OF FACT,
GARGER ROAD, DESERT HOT SPRINGS,) CONCLUSIONS AND ORDER TO
14 RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
ESTATES OF RICHARD T. CHARLES AND)
15 IVELICE BISONO CHARLES, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]
16

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 as 2 Parcels North of 14875 Mc Garger Road, Desert Hot Springs, Riverside
21 County, Assessor's Parcel Number 656-270-012 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 owners.

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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Estate of Richard T. Charles and Ivelice Bisono Charles ("OWNERS").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to wit: State of California Development Department ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 30, 2009,
7 June 4, 2009, June 24, 2009, November 10, 2009, and November 19, 2009.

8 4. During each inspection, three substandard structures (single family residence and
9 detached garage with wood shed) were observed on THE PROPERTY. The structures were
10 observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies,
11 including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink;
12 lack of hot and cold running water to plumbing fixtures; hazardous wiring; members of walls,
13 partitions or other vertical supports that split, lean, list or buckle due to defective materials or
14 deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members which
15 sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty
16 weather protection; general dilapidation; 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: household trash, scrap metal, tires, dilapidated
19 cardboard boxes with empty glass beer bottles, junked appliances, crates, broken furniture, wood,
20 plastics and other miscellaneous trash and debris.

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

23 7. A Notice of Noncompliance was recorded on April 21, 2009, as Document Number
24 2009-0196104 in the Office of the County Recorder, County of Riverside.

25 8. On March 30, 2009, a Notice of Violation, Notice of Defects and a Danger Do Not
26 Enter signs were posted on THE PROPERTY. On April 7, 2009 and July 9, 2009, a Notice of
27 Violation and Notice of Defects were mailed by certified mail, return receipt requested to OWNERS
28 and on April 27, 2009 was mailed to OWNERS and INTERESTED PARTY.

ORDER TO ABATE NUISANCE

1
2 IT IS THEREFORE ORDERED that the substandard structures (single family residence and
3 detached garage with wood shed) on THE PROPERTY be abated by the OWNERS, specifically
4 Estates of Richard T. Charles and Ivelice Bisono Charles or anyone having possession or control of
5 THE PROPERTY, by razing and removing the substandard structures including the removal and
6 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and
7 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished
8 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
10 Nuisance.

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

19 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
20 asbestos containing materials in said structure by survey and materials sample testing by a duly
21 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
22 the removal of all asbestos containing materials discovered through such survey and testing by
23 contract with a duly certified and licensed contractor for the handling of such materials to avoid
24 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
26 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and
27 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),

1 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
12 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
13 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
14 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
15 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.

4
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
14 By

15 Deputy

16 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  JULIE A. KOONS JARVI
DATE 8/7/09