

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

612B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulation of Rubbish]
Case No. : CV 09-12615 (FELIX)
Subject Property: 83170 Alvarado Avenue, Thermal; APN: 767-451-014
District: 4

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12615 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 09-12615; 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 09-12615.

Departmental Concurrence

(Continued)

L. ALEXANDRA FONG, 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

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------|
| <input type="checkbox"/> | Policy | <input type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Consent |

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

Abatement of Public Nuisance
Case No. CV 09-12615; FELIX
83170 Alvarado Avenue, Thermal
Page 2

BACKGROUND:

On June 29, 2010, 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 (single family dwelling) and accumulated 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 Findings of Fact, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-12615
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 767-451-)
13 014, 83170 ALVARADO AVENUE, THERMAL,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 CANDELARIO FELIX AND SARA L. FELIX,) ABATE NUISANCE
OWNERS.)
15 [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 29, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described 83170 Alvarado Avenue, Thermal, Assessor's Parcel Number 767-451-014 and referred to
20 hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owners.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Candelario Felix and Sara L. Felix ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: American General Finance, Integrated Lender Services and Fireside Bank
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officer on January 30, 2010,
8 March 15, 2010, April 27, 2010, June 14, 2010 and June 25, 2010.

9 4. During each inspection, a substandard structure (single family dwelling) was observed
10 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
11 structure contained numerous deficiencies, including but not limited to: faulty weather protection;
12 general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: clothes, broken furniture, discarded personal items,
15 dead vegetation, an old row boat, household trash, broken items and tires.

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 March 29, 2010, as Document Number
19 2010-0140781 in the Office of the County Recorder, County of Riverside.

20 8. On January 30, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not
21 Enter" and a "Do Not Dump" signs were posted on THE PROPERTY. On February 5, 2010,
22 Notices of Violation for the substandard structure and accumulation of rubbish were mailed to
23 OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

24 9. On June 14, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
25 before the Board of Supervisors on June 29, 2010, was mailed by certified mail, return receipt
26 requested to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on June 29, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (single family dwelling) and accumulation of rubbish on the real property located at 83170 Alvarado Avenue, Thermal, Riverside County, California, also identified as Assessor's Parcel Number 767-451-014 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (single family dwelling) on THE PROPERTY be abated by the OWNERS, Candelario Felix and Sara L. Felix, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure 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) days
8 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 County
10 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
11 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 structure 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 OWNERS 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

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1 recoverable from THE OWNERS even if THE PROPERTY is brought into compliance within ninety
2 (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] / 7/13/10 / DATE
L. ALEXANDRA FONG