

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

410B



FROM: County Counsel/TLMA
Code Enforcement Department

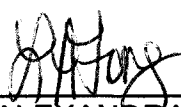
SUBMITTAL DATE:
October 6, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulation of Rubbish]
Case No.: CV 09-06676 (BARKER)
Subject Property: 75811 E. Ramon Road, Thousand Palms; APN:651-161-011
District: 4

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06676 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 09-06676; 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 09-06676.

(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

Policy ☐

Consent ☒

Policy ☐

Consent ☒

Dep't Recomm.:

Per Exec. Ofc.:

Abatement of Public Nuisance
Case No. CV 09-06676
75811 E. Ramon Road, Thousand Palms
Page 2

BACKGROUND:

On September 28, 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 (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)
3
4
5

6 WHEN RECORDED PLEASE MAIL TO:
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]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-06676
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 651-161-)
13 011, 75811 E. RAMON ROAD, THOUSAND) FINDINGS OF FACT,
PALMS, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 JESSICA BARKER, OWNER.) ABATE NUISANCE
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 September 28, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described 75811 E. Ramon Road, Thousand Palms, Riverside County, Assessor's Parcel
20 Number 651-161-011 and referred to 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 owner.

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.

28 ///

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Jessica Barker ("OWNER").

2. Documents of title indicate that no other parties potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on September 9, 2009, October 1, 2009, October 28, 2009, November 14, 2009, January 5, 2010, February 5, 2010, May 25, 2010, June 22, 2010, September 9, 2010 and September 27, 2010.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous plumbing; hazardous wiring; lack of adequate heating facilities; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: metal, wood, appliances, auto parts, discarded mattresses, household trash, car batteries, work tools and tires.

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

7. A Notice of Noncompliance was recorded on September 23, 2009 as Document Number 2009-0495051 in the Office of the County Recorder, County of Riverside.

8. On September 9, 2009, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On December 2, 2009 and January 6, 2010, Notices of Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by certified mail, return receipt requested.

9. On May 24, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNER and was posted on THE PROPERTY on May 25, 2010.

10. On June 21, 2010, a Continuation Notice to Correct County Ordinance Violations and Abate Public Nuisance was mailed by certified mail return receipt requested to OWNER by certified mail, return receipt requested and was posted on THE PROPERTY on June 22, 2010. On August 3, 2010, a Continuation Notice to Correct County Ordinance Violations and Abate Public Nuisance was mailed by certified mail return receipt requested to Alicja Barker, mother of OWNER, by certified mail, return receipt requested.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on September 28, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the real property located at 75811 E. Ramon Road, Thousand Palms, Riverside County, California, also identified as Assessor's Parcel Number 651-161-011 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structure condition 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 structures 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 OWNER, 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 PROPOERTY 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 OWNER IS 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.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17

18
19
20
21
22
23

24
25
26
27
28

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 to
4 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
5 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
6 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 Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

FORM APPROVED COUNTY COUNSEL
BY: 10/6/10 / DATE
ALEXANDRA FONG

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

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13 (SEAL)