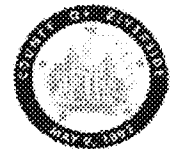


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

8028



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 23, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV 08-07411 (FORERUNNER DEV GROUP, LLC)
Subject Property: 16465 Avenida Rambla, Desert Hot Springs; APN 657-182-020
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-07411 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 08-07411 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 08-07411.

(Continued)

L. Alexandra Fong
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:

County Executive Office Signature

Jennifer L. Sargent
Jennifer L. Sargent

Dep't Recomm.:	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy
Per Exec. Ofc.:	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Policy

Abatement of Public Nuisance

Case No. CV 08-07411; FORERUNNER DEV GROUP, LLC

16465 Avenida Rambla, Desert Hot Springs

Page 2

BACKGROUND:

On November 2, 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 structures (rough framed dwelling with attached garage and patio) 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 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (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 08-07411
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 657-182-)
13 020, 16465 AVENIDA RAMBLA, DESERT HOT) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; FORERUNNER DEVELOPMENT) ABATE NUISANCE
GROUP, LLC, OWNER.)
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 November 2, 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 16465 Avenida Rambla, Desert Hot Springs, Riverside County, Assessor's Parcel
20 Number 657-182-020 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 structures 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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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Forerunner Development Group, LLC ("OWNER").

2. Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to-wit: Chavez Property Management, Inc. ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on April 20, 2009, June 11, 2009, April 28, 2010, June 25, 2010, July 15, 2010, October 18, 2010 and October 28, 2010.

4. During each inspection, a substandard structure (rough framed dwelling with attached garage and patio) 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: lack of required electrical lighting; lack of adequate heating facilities; dampness of habitable rooms; faulty weather protection; public and attractive nuisance – abandoned/vacant; expired permits.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: dry vegetation waste, household trash, appliances, furniture, broken glass, wood and plastics.

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 May 20, 2009, as Document Number 2009-0255674 in the Office of the County Recorder, County of Riverside.

8. On April 20, 2009, a Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On April 28, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On May 11, 2009 and June 19, 2009, Notice of Violation for the substandard structure and Notice of Defects were mailed to OWNER and on June 3, 2009, were mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested. On May 7, 2010 and July 1, 2010, Notice of Violation for substandard structure and accumulated rubbish and Notice of Defects were mailed to OWNER and on May 7, 2010 were mailed to INTERESTED PARTY by certified mail, return receipt

1 requested.

2 9. On October 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
4 November 2, 2010, was mailed by certified mail, return receipt requested, to OWNER and
5 INTERESTED PARTY and was posted on THE PROPERTY on October 18, 2010.

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 2, 2010, finds and concludes that:

9 1. WHEREAS, the substandard structure (rough framed dwelling with attached garage
10 and patio) and accumulation of rubbish on the real property located at 16465 Avenida Rambla, Desert
11 Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 657-182-020
12 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120)
13 and constitutes a public nuisance.

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

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

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

1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structure (rough framed dwelling with
3 attached garage and patio) on THE PROPERTY be abated by the OWNER, Forerunner Development
4 Group, LLC or anyone having possession or control of THE PROPERTY, by razing and removing
5 the substandard structure including the removal and disposal of all structural debris and materials, as
6 well as the contents therein, or by reconstruction and rehabilitation of said structure 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 structure is not razed, removed and
11 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
12 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
13 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
14 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
15 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
16 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
17 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 THE OWNER or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from 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 date 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 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

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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 _____
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: [Signature] 11/22/10
L. ALEXANDRA FONG DATE