

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

314B



FROM: County Counsel/TLMA
Code Enforcement Department

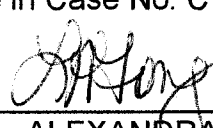
SUBMITTAL DATE:
April 14, 2011

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case Nos. : CV10-03317 [PLATA]
Subject Property: 16605 Indian Ave., North Palm Springs; APN: 666-110-022
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-03317 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 10-03317; 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 10-03317.

(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: 

County Executive Office Signature

Alex Gann

Dept't Recomm.:
Per Exec. Ofc.:

☒ Consent
☐ Policy

☒ Consent
☒ Policy

Abatement of Public Nuisance
Case No.: CV10-03317 [PLATA]
16605 Indian Ave., North Palm Springs
District Five
Page 2

BACKGROUND:

On March 29, 2011, 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 (metal structure) 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, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT '6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-03317
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 666-110-)
13 022, 16605 INDIAN AVE., NORTH PALM) FINDINGS OF FACT,
SPRINGS, COUNTY OF RIVERSIDE, STATE) CONCLUSIONS AND ORDER TO
14 OF CALIFORNIA; ROSALIO PLATA, 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 March 29, 2011, 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 16605 Indian Ave., North Palm Springs, Riverside County, Assessor's Parcel
20 Number 666-110-022 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.

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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 Rosalio Plata ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Creditway of America #2 and State of California Employment Development Department ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on June 17, 2010, August 4, 2010, August 26, 2010, October 15, 2010, February 8, 2011, March 15, 2011 and March 25, 2011.

4. During each inspection, one substandard structure (metal structure) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; general dilapidation or improper maintenance; and public and attractive nuisance – abandoned and vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: pile of broken asphalt, trash and debris.

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 August 18, 2010, as Document Number 2010-0392862 in the Office of the County Recorder, County of Riverside.

8. On June 17, 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 September 2, 2010, a Notice of Violation for the substandard structure and accumulation of rubbish was mailed to OWNER by certified mail, return receipt requested.

9. On March 15, 2011, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March 29, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED

1 PARTIES and was posted on THE PROPERTY on March 15, 2011.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on March 29, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structure (metal structure) and accumulation of rubbish
6 on the real property located at 16605 Indian Ave., North Palm Springs, Riverside County, California,
7 also identified as Assessor's Parcel Number 666-110-022 violates Riverside County Nos. 457 (RCC
8 Chapter 15.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (metal structure) on THE
26 PROPERTY be abated by the OWNER, Rosalio Plata, or anyone having possession or control of
27 THE PROPERTY, by razing and removing the substandard structure including the removal and
28 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and

1 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in
2 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
3 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
4 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, may 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 may be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

FORM APPROVED COUNTY COUNSEL
BY: 4/7/11 DATE
L. ALEXANDRA FONG

owner's consent or a Court Order when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

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