

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

412B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 14, 2011

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV10-08214 [EATON]
Subject Property: 73300 Dillon Road, Desert Hot Springs; APN: 645-291-013
District: Four

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08214 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 10-08214; 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 10-08214.

Departmental Concurrence

(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 *Tina Grande*
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't Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV 10-08214 [EATON]
73300 Dillon Road, Desert Hot Springs
APN# 645-291-013
District Four
Page 2

BACKGROUND:

On June 28, 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 structures (guest dwelling, main dwelling and detached garage) 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 GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-08214
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APN 645-291-)
13 013, 73300 DILLON ROAD, DESERT HOT) FINDINGS OF FACT,
SPRINGS, COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; MARY PAGE EATON AND) ABATE NUISANCE
THOMAS PAGE EATON, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15), 541
15 (RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 28, 2011, 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 73300 Dillon Road, Desert Hot Springs, Assessor's Parcel Number 645-291-013 and
20 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner and addressed the Board.

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
27 15) and 541 (Riverside County Code Title 8), and as a public nuisance.

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SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as Mary Page Eaton and Thomas Page Eaton (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Genevieve H. Sipperly; Pauline Alice Hayman, Trustee of the Pauline Alice
6 Hayman Revocable Living Trust UTD 12-29-92 (“INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 29,
8 2010, December 28, 2010, January 27, 2011, June 17, 2011 and June 24, 2011.

9 4. During each inspection, three substandard structures (guest dwelling main dwelling
10 and detached garage) were observed on THE PROPERTY. The structures were observed to be
11 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not
12 limited to: faulty weather protection: deteriorated or ineffective weather proofing including broken
13 windows or doors; general dilapidation or improper maintenance; and public and attractive nuisance –
14 abandoned/vacant.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: cut/dead vegetation, construction material, household
17 trash/items, metal, wood and plastic products.

18 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 No. 457 (RCC Title 15) and 541 (RCC Title 8) by the Code Enforcement Officer.

20 7. A Notice of Noncompliance was recorded on November 22, 2010, as Document
21 Number 2010-0561815 in the Office of the County Recorder, County of Riverside.

22 8. On September 29, 2010, a Notice of Violations, Notice of Defects, a “Do Not Enter
23 or Occupy” and a “Do Not Dump” signs were posted on THE PROPERTY. On October 4, 2010,
24 Notices of Violation for the substandard structures and accumulation of rubbish were mailed to
25 OWNER and INTERESTED PARTIES by certified mail, return receipt requested

26 9. On June 8, 2011, a “Notice to Correct County Ordinance Violations and Abate Public
27 Nuisance” providing notice of the public hearing before the Board of Supervisors on June 28, 2011,
28 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES

1 and was posted on THE PROPERTY on June 17, 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 June 28, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structures (guest dwelling main dwelling and detached
6 garage) and accumulation of rubbish on the real property located at 73300 Dillon Road, Desert Hot
7 Springs, Riverside County, California, also identified as Assessor's Parcel Number 645-291-013
8 violates Riverside County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Title 8) and constitutes
9 a public nuisance.

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

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

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structures (guest dwelling main
27 dwelling and detached garage) on THE PROPERTY be abated by the OWNERS, Mary Page Eaton,
28 Thomas Page Eaton, or anyone having possession or control of THE PROPERTY, by razing and

1 removing the substandard structures including the removal and disposal of all structural debris and
2 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
3 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
4 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
5 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
7 disposed of, or reconstructed and rehabilitated 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, the substandard structures, contents
10 therein, and structural debris and materials, may be abated by representatives of the Riverside County
11 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
12 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
13 PROPERTY.

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

20 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
21 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
22 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
23 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Title 8) within
24 ninety (90) days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
26 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
27 County Ordinance Nos. 541 (RCC Title 8) within ninety (90) days of the date of this Order to Abate
28 Nuisance, the accumulation of rubbish may be abated by representatives of the Riverside County

1 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Title 1). Under
7 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
8 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
9 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
10 and the costs associated with the removal or correction of the violation." Reasonable abatement costs
11 accrued by the Code Enforcement Department will be recoverable from the OWNERS even if THE
12 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
13 Nuisance.

14
15 Dated: _____

COUNTY OF RIVERSIDE

16
17 By _____
18 Bob Buster
19 Chairman, Board of Supervisors

20 ATTEST:
21 KECIA HARPER-IHEM
22 Clerk to the Board

23
24 By _____
25 Deputy
26 (SEAL)

27 G:\Litigation\Code Enforcement\Abatements\2010\2010\CV10-08214\457 and 541 FOF.DOC