

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

520B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No: CV 09-12835 [ESTATE OF MURRAY, ET AL.]
Subject Property: 18475 Driscoll Rd., Desert Hot Springs; APN: 645-220-002
District: Four

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12835 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 09-12835; 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 09-12835.

(Continued)

PATRICIA MUNROE, 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

- Consent
- Policy
- Consent
- Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance
Case No.: CV09-12835 [ESTATE OF MURRAY, ET AL.]
18475 Driscoll Rd., Desert Hot Springs
APN#645-220-002
District 4
Page 2

BACKGROUND:

On September 20, 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 (dwelling) and accumulated rubbish located 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 Patricia Munroe, 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]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-12835
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATED RUBBISH]; APN 645-220-002,)
13 18475 DRISCOLL RD., DESERT HOT SPRINGS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
14 OF MADONNA MURRAY, CHARLES ALBINO) ABATE NUISANCE
LOPEZ, TERESA CABALLERO S. LOPEZ,) [R.C.O. Nos. 457, 541 and 725
15 BONNIE LUE HOLMAN, OWNERS.)
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17 The above-captioned matter came on regularly for hearing on September 20, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 18475 Driscoll Rd., Desert Hot Springs, Assessor's Parcel Number 645-220-002
21 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of owners.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violation of Riverside County Ordinance Nos. 457, 541, and as a public nuisance.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Estate of Madonna Murray, Charles Albino Lopez, Teresa Caballero S.
4 Lopez and Bonnie Lue Holman (hereinafter collectively referred to as “OWNERS”).

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: State of California Franchise Tax Board and the Internal Revenue Service.
7 (“INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 27, 2010,
9 October 18, 2010, December 14, 2010, January 26, 2011, March 21, 2011 and August 26, 2011.

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

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

17 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 Nos. 457 and 541 by the Code Enforcement Officer.

19 7. A Notice of Noncompliance was recorded on August 30, 2010, as Document Number
20 2010-0414113 in the Office of the County Recorder, County of Riverside.

21 8. On August 27, 2010, Notice of Violation, Notice of Defects and a “Danger Do Not
22 Enter” sign was posted on THE PROPERTY. On September 2, 2010, Notice of Violation for the
23 substandard structure and accumulated rubbish was mailed to OWNERS by certified mail, return
24 receipt requested.

25 9. On August 24, 2011, a “Notice to Correct County Ordinance Violations and Abate
26 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
27 September 20, 2011, was mailed to OWNERS and INTERESTED PARTIES and was posted on
28 THE PROPERTY on August 26, 2011.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on September 20, 2011, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
5 real property located at 18475 Driscoll Rd., Desert Hot Springs, Riverside County, California, also
6 identified as Assessor's Parcel Number 645-220-002 violates Riverside County Ordinance Nos. 457
7 and 541 and constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNERS, Estate of Madonna Murray, Charles Albino Lopez, Teresa
27 Caballero S. Lopez and Bonnie Lue Holman, or anyone having possession or control of THE
28 PROPERTY, by razing and removing the substandard structure including the removal and disposal

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

6 IT IS FURTHER ORDERED that if the substandard structure is 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)
9 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, 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 if the accumulation of rubbish is not removed and disposed
21 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
22 County Ordinance No. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
23 accumulation of rubbish may be abated by representatives of the Riverside County Code
24 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
25 consent or a Court Order when necessary under applicable law.

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, “abatement
2 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement
6 Department will be recoverable from the OWNERS even if THE PROPERTY is brought into
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)