

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 3, 2011

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV10-07267 [THE TRUST OF BELEN M. DIAZ]
Subject Property: Parcel Across from 19355 Desert Haven, Sky Valley
APN: 645-270-013; District: Four

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-07267 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. CV10-07267; 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. CV10-07267.

(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:

County Executive Office Signature

Prev. Agn. Ref.: 10/18/11; 9.2 | **District:** 4 | **Agenda Number:** 2.2

Dept Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Environmental Compliance

NOV 10 2011 10:58 AM

Abatement of Public Nuisance

Case Nos.: CV10-07267 (THE TRUST OF BELEN M. DIAZ)

Parcel Across from 19355 Desert Haven, Sky Valley

APN#645-270-013

District 4

Page 2

BACKGROUND:

On October 18, 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 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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)
5

6 WHEN RECORDED PLEASE MAIL TO:
7 Patricia Munroe, Deputy County Counsel
8 County of Riverside
9 OFFICE OF COUNTY COUNSEL
10 3960 Orange Street, Suite 500 (Stop #1350)
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

12 **BOARD OF SUPERVISORS**
13 **COUNTY OF RIVERSIDE**

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-07267
15 [SUBSTANDARD STRUCTURE AND)
16 ACCUMULATION OF RUBBISH]; APN 645-270-)
17 013, PARCEL ACROSS FROM 19355 DESERT) FINDINGS OF FACT,
18 HAVEN, SKY VALLEY, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
19 CALIFORNIA; THE TRUST OF BELEN M.) ABATE NUISANCE
20 DIAZ, BELEN M. DIAZ, TRUSTEE, TRUST) R.C.O. Nos. 457, 541 and 725
21 DATED FEBRUARY 21, 2002, OWNER.)
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23 The above-captioned matter came on regularly for hearing on October 18, 2011, before the
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
26 property described as Parcel Across from 19355 Desert Haven, Sky Valley, Assessor's Parcel
27 Number 645-270-013 and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of owner.

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

SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as The Trust of Belen M. Diaz, Belen M. Diaz, Trustee, Trust Dated February
4 21, 2002 ("OWNER").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 14,
8 2010, November 15, 2010, January 16, 2011, February 17, 2011, March 15, 2011, August 26, 2011
9 and October 17, 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: general dilapidation or improper
13 maintenance; fire hazard; public and attractive nuisance.

14 5. During each inspection an accumulation of rubbish was observed throughout THE
15 PROPERTY consisting of but not limited to: household trash, furniture, construction materials,
16 wood, metal, plastics, a Jacuzzi, and garage door halves.

17 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 No. 457 and 541 by the Code Enforcement Officer.

19 7. A Notice of Noncompliance was recorded on January 18, 2011, as Document Number
20 2011-0021898 in the Office of the County Recorder, County of Riverside.

21 8. On September 14, 2010, Notices of Violation, Notice of Defects, a "Danger Do Not
22 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On October 5, 2010, Notices
23 of Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by
24 certified mail, return receipt requested.

25 9. On August 25, 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 October
27 18, 2011, was mailed to OWNER and was posted on THE PROPERTY on August 26, 2011.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on October 18, 2011, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the real property located at Parcel Across from 19355 Desert Haven, Sky Valley, Riverside County, California, also identified as Assessor's Parcel Number 645-270-013 violates Riverside County Ordinance Nos. 457 and 541 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 structure 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 PROPERTY 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.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE PROPERTY be abated by the OWNER, The Trust of Belen M. Diaz, Belen M. Diaz, Trustee, Trust Dated February 21, 2002, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure

1 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
2 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
3 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
5 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
6 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
7 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
8 therein, and structural debris and materials, may be abated by representatives of the Riverside County
9 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
10 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
11 PROPERTY.

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

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

23 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
24 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
25 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
26 accumulation of rubbish may be abated by representatives of the Riverside County Code
27 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
28 consent or a Court Order when necessary under applicable law.

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
5 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
6 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
7 collection and administrative costs, attorneys fees, and the costs associated with the removal or
8 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
7 Bob Buster
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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