

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

602B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV11-06663 [ESTATE OF RAGSDALE]
Subject Property: 1 Lot West of 44375 Ragsdale Rd., Desert Center; APN: 808-102-005
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06663 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. CV11-06663; 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. CV11-06663.

BACKGROUND:

Summary

On April 8, 2014, 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 (dwellings) and accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(Continued)

L. Alexandra Fong
L. ALEXANDRA FONG
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 04/08/14; 9.3 | District: 4/4 | Agenda Number:

2-14

Departmental Concurrence

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

FORM 11: Order to Abate [Substandard Structures & Accumulated Rubbish]

Case No. : CV11-06663 [ESTATE OF RAGSDALE]

Subject Property: 1 Lot West of 44375 Ragsdale Rd., Desert Center; APN: 808-102-005

District: 4/4 [\$0.00]

DATE: May 15, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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 Michelle Cervantes, Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
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 11-06663
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH];)
13 APN 808-102-005, 1 LOT WEST OF 44375) FINDINGS OF FACT,
RAGSDALE RD., DESERT CENTER,) CONCLUSIONS AND ORDER TO
14 RIVERSIDE COUNTY, CALIFORNIA; ESTATE) ABATE NUISANCE
OF STANLEY E. RAGSDALE,)
15) R.C.O. Nos. 457, 541 and 725
OWNER.)
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17 The above-captioned matter came on regularly for hearing on April 8, 2014, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 1 Lot West of 44375 Ragsdale Rd., Desert Center, Riverside County, Assessor's Parcel
21 Number 808-102-005 and referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

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 violations of Riverside County Ordinance Nos. 457 and 541, and as a public
28 nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Estate of Stanley E. Ragsdale (“OWNER”).

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 15,
7 2011, and on approximately thirteen (13) other occasions, the last being April 3, 2014.

8 4. During each inspection, seven (7) substandard structures (dwellings) were observed
9 on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
10 structures contained numerous deficiencies, including but not limited to: faulty weather protection;
11 general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

12 5. During each inspection, an accumulation of rubbish was observed throughout THE
13 PROPERTY consisting of but not limited to: burnt debris, dead vegetation, household trash,
14 furniture, appliances, clothes and approximately 4 tires in excess of 2,225 square feet.

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

17 7. A Notice of Pendency of Administrative Proceedings was recorded on April 5, 2012,
18 as Document Number 2012-0156419 in the Office of the County Recorder, County of Riverside.

19 8. On September 15, 2011, Notice of Violation, Notice of Defects, a “Danger Do Not
20 Enter” and a “Do Not Dump” sign were posted on THE PROPERTY. On October 6, 2011 and
21 November 7, 2012, Notices of Violation and Notice of Defects were mailed to OWNER by first class
22 mail and by certified mail, return receipt requested. On December 1, 2011, Notice of Violation and
23 Notice of Defects were mailed to OWNER by certified mail, return receipt requested.

24 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
26 was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on April 8, 2014, finds and concludes that:

4 1. WHEREAS, the substandard structures (7 dwellings) and accumulation of rubbish on
5 the real property located at 1 Lot West of 44375 Ragsdale Rd., Desert Center, Riverside County,
6 California, also identified as Assessor's Parcel Number 808-102-005 violates Riverside County
7 Ordinance Nos. 457 and 541 and constitutes a public nuisance.

8 2. WHEREAS, the OWNER, occupants and any person having possession or control of
9 THE PROPERTY shall abate the substandard structures conditions by razing, removing and
10 disposing of the substandard structures, including the removal and disposal of all structural debris
11 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided
12 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
13 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
14 (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
17 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
18 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structures (7 dwellings) on THE
25 PROPERTY be abated by the OWNER, Estate of Stanley E. Ragsdale, or anyone having possession
26 or control of THE PROPERTY, by razing and removing the substandard structures including the
27 removal and disposal of all structural debris and materials, as well as the contents therein, or by
28 reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can

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

4 IT IS FURTHER ORDERED that if the substandard structures are 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 structures, 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 structures 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.

4 Dated: _____

COUNTY OF RIVERSIDE

6 By _____
7 Jeff Stone
8 Chairman, Board of Supervisors

8 ATTEST:
9 KECIA HARPER-IHEM
10 Clerk to the Board

12 By _____
13 Deputy
14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE 5/9/14
ALEXANDRA FONG

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