

**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

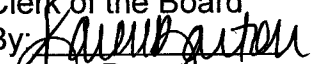
BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 25, 2011
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent Policy
 Consent Policy

Dept's Recomm.:
 Per Exec. Ofc.:

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

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M	A	L	465	426	PCOR	NCOR	SMF	(NCHG)	EXAM
NCHG CC						T:	CTY	UNI	522

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

[EXEMPT GC §§ 6103 and 27383]



**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-12835
 12 [SUBSTANDARD STRUCTURE AND)
 13 ACCUMULATED RUBBISH]; APN 645-220-002,)
 14 18475 DRISCOLL RD., DESERT HOT SPRINGS,)
 15 RIVERSIDE COUNTY, CALIFORNIA; ESTATE)
 OF MADONNA MURRAY, CHARLES ALBINO)
 LOPEZ, TERESA CABALLERO S. LOPEZ,)
 BONNIE LUE HOLMAN, OWNERS.)

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457, 541 and 725

16
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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1. Documents of record in the Riverside County Recorder’s Office identify the owners of THE PROPERTY as Estate of Madonna Murray, Charles Albino Lopez, Teresa Caballero S. Lopez and Bonnie Lue Holman (hereinafter collectively referred to as “OWNERS”).

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

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

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

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

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

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

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

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

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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 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

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10/31/2011 12:26P
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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.

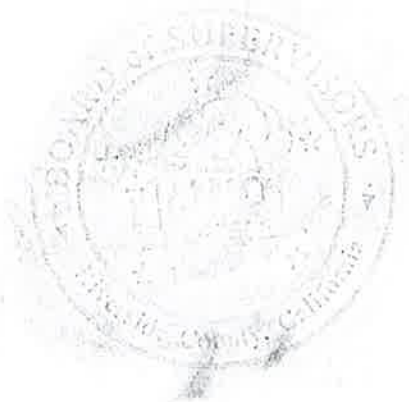
8
9 Dated: October 25, 2011

COUNTY OF RIVERSIDE

10
11 By Bob Buster
12 Bob Buster
13 Chairman, Board of Supervisors

14 ATTEST:
15 KECIA HARPER-IHEM
16 Clerk to the Board

17 By Kecia Harper-Ihem
18 Deputy
19 (SEAL)





**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrcrkrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)

2011-0480358
10/31/2011 12:26P
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Date: 10-25-11

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board

NOTICE LIST

Subject Property: 18475 Driscoll Road, Desert Hot Springs; Case No.:CV09-12835;
APN:645-220-002; District 4

ESTATE OF MADONNA MURRAY
CHARLES ALBINO LOPEZ
TERESA CABALLERO S LOPEZ
BONNIE LUE HOLMAN
C/O CHARLES LOPEZ
65919 5TH STREET
DESERT HOT SPRINGS, CA 92240

BONNIE HOLMAN
18550 DRISCOLL AVE
DESERT HOT SPRINGS CA 92241

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
PO BOX 2952
SACRAMENTO CA 95812

INTERNAL REVENUE SERVICE
PO BOX 145585 STOP 8420G
CINCINNATI OH 45250-5585

PROOF OF SERVICE

Case No. CV09-12835

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on November 16, 2011, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(SEE ATTACHED NOTICE LIST)**

XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON November 16, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 19, 2011

RE CASE NO: CV0912835

I, Rusty Hannah, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 38686 El Cerrito Road, Suite 200, Palm Desert, California 92211.

That on 11/19/2011 at 2:30 pm, I securely and conspicuously posted the Finding of Facts at the property described as:

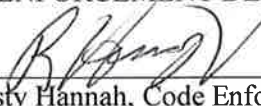
Property Address: 18475 DRISCOLL RD, DSRT HOT SPG

Assessor's Parcel Number: 645-220-002

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Rusty Hannah, Code Enforcement Officer