

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



FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: February 9, 2005

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
B&S Case No.: CV 04-2057
Subject Property: 34635 Cherry Street, Wildomar; APN: 367-160-006
District One

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (single family dwelling) on the real property located at 34635 Cherry Street, Wildomar, Riverside County, California, APN: 367-160-006 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Magnolia LP by Pac Homes, the owner of the subject real property, be directed to abate the substandard structure on the property by removing the same from the real property within ninety (90) days.
- (3) The owner or whoever has possession or control of the premises be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.

(Continued)

Monica R. Romero
MONICA R. ROMERO
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

[Handwritten Signature]

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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- (4) If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Department of Building & Safety, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, shall abate the substandard structure by demolition, subsequently followed by the removal and disposal of the same from the real property.
- (5) The reasonable cost of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (6) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the substandard structure (cabin) on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject real property by Code Enforcement Officer on May 26, 2004.
2. The inspection revealed one substandard structure (single family dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The structure was abandoned, dilapidated and vacant. The substandard conditions of the structure included, but were not limited to, the following: damaged plumbing fixtures and kitchen appliances; broken drain lines; damaged electrical fixtures; illegal wiring; rotted roof system; faulty weather protection; general dilapidation/improper maintenance; vandalism; abandoned, vacant, public and attractive nuisance.
3. Subsequent inspections of the real property on July 27, August 14 and January 5, 2005 revealed the property continues to be in violation of Riverside County Ordinance No. 457.
4. Staff and the Department of Building and Safety have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structures.