

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



806 B

SUBMITTAL DATE:
May 8, 2006

FROM: County Counsel/TLMA
Department of Building & Safety

SUBJECT: Order to Abate [substandard structure];
B&S Case No.: CV 03-3655
Subject Property: 19199 Clark Street, Perris; APN 318-042-028
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 03-3655 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 03-3655; 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 03-3655.

BACKGROUND:

On May 2, 2006, 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 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 the Findings of Fact, Conclusion and Order to Abate.

TIFFANY N. NORTH, Deputy County Counsel
For JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
	Annual Net County Cost:	\$ N/A	For Fiscal Year:

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

County Executive Office Signature

3008 MAY -8 PM 1:10
RECEIVED RIVERSIDE COUNTY

- Dep't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

Prev. Agn. Ref.: | **District:** 1 | **Agenda Number:**

2.4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 03-3655
[SUBSTANDARD STRUCTURE]; APN: 318-042-))	
028, 19199 CLARK STREET, PERRIS,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; WILMER)	CONCLUSIONS AND ORDER TO
E. JOHNSON AND VELMA R. JOHNSON,)	ABATE NUISANCE
OWNERS.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 2, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 19199 Clark Street, Perris, Riverside County, APN: 318-042-028, and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Department of Building and Safety.

Owner of THE PROPERTY Wilmer E. Johnson also appeared.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Wilmer E. Johnson and Velma R. Johnson ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: The Travelers Indemnity Company (hereinafter "Interested Party").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 8,
7 2003, December 4, 2003, December 11, 2003, November 30, 2005, February 9, 2006 and April 20,
8 2006.

9 4. During each inspection, a substandard structure (cement block building) was observed
10 on THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The
11 structure contained numerous deficiencies, including but not limited to: lack of or improper water
12 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
13 fixtures; lack of electrical lighting and adequate heating facilities; hazardous plumbing; hazardous
14 wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to
15 defective material or deterioration; deteriorated ceilings, roofs, and other horizontal supports;
16 deteriorated, crumbling or loose plaster; deteriorated exterior wall coverings and/or roof coverings;
17 deteriorated or ineffective waterproofing of walls, roof, foundations, including broken windows and
18 doors; dampness of inhabitable rooms; faulty weather protection; general dilapidation of improper
19 maintenance; fire hazard; public and attractive nuisance; and improper occupancy.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 No. 457 (RCC Title 15) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on December 24, 2003 as Document
23 Number 2003-100485 in the Office of the County Recorder, County of Riverside.

24 7. On December 11, 2003, a Notice of Violation, Notice of Defects and "Danger Do Not
25 Enter" sign were posted on THE PROPERTY. On March 18, 2004 and September 20, 2005, Notices
26 of Violation and Notices of Defects were mailed by certified mail, return receipt requested to the
27 OWNER and INTERESTED PARTY.

28 8. On February 7, 2006, a "Notice To Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
2 THE OWNER and posted on THE PROPERTY on February 9, 2006.

3 9. On April 12, 2006, a "Continuation Notice to Correct County Ordinance
4 Violations and Abate Public Nuisance" providing notification on the continued public hearing on
5 May 2, 2006 before the Board of Supervisors was mailed to THE PROPERTY OWNER and
6 INTERESTED PARTY by certified mail, return receipt requested.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on May 2, 2006 finds and concludes that:

10 1. WHEREAS, the substandard structure on the real property located at 19199 Clark
11 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 318-042-028
12 violates Riverside County Ordinance No. 457 and constitutes a public nuisance.

13 2. WHEREAS, THE OWNER, occupants and any person having possession or control
14 of THE PROPERTY should abate the substandard conditions by reconstruction and rehabilitation of
15 said structure provided that said reconstruction and rehabilitation can be accomplished in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance No. 457 within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
25 at 19199 Clark Street, Perris, Riverside County, California, also identified as Assessor's Parcel
26 Number 318-042-028 be abated by the OWNER, and anyone having possession or control of THE
27 PROPERTY, by reconstruction and rehabilitation of said structure provided such reconstruction and
28 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
2 posting and mailing of this order.

3 IT IS FURTHER ORDERED that if the substandard structure is not reconstructed and
4 rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to
5 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this
6 Order, the Department of Building and Safety can make a further motion to the Board of Supervisors
7 for an Order to abate the substandard structure, contents therein, and structural debris and materials.

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

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
18 means "any costs or expenses reasonably related to the abatement of conditions which violate County
19 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
20 and administrative costs, attorneys fees, and the costs associated with the removal or correction of

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

1 the violation." Reasonable abatement costs accrued by the Department will be recoverable from the
2 property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of
3 the date of this Order to Abate Nuisance.

4 Dated: _____

COUNTY OF RIVERSIDE

6 By _____
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:
10 NANCY ROMERO
11 Clerk to the Board

12 By
13 Deputy
14 (SEAL)

15 g:\property\01-code\bs\abatement\johnson3655\fof.doc

16
17
18
19
20
21
22
23
24
25
26
27
28