

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

908B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 16, 2006

SUBJECT: Abatement of Public Nuisance [Substandard Structures];
B&S Case No.: CV 05-6385; KANG
Subject Property: 22432 Markham Street, Perris, APN: 314-030-023
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-6385 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 05-6385; 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 05-6385.:

BACKGROUND:

On October 3, 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 structures located on the subject property to be a public nuisance. The Board ordered the property owners 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

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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

County Executive Office Signature

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

Prev. Agn. Ref.:

District: 1

Agenda Number:

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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**

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|--|---|-------------------------------------|
| IN RE ABATEMENT OF PUBLIC NUISANCE: |) | CASE NO. CV05-6385 |
| [SUBSTANDARD STRUCTURES]; APN: 314- |) | |
| 030-023, 22432 MARKHAM STREET, PERRIS, |) | FINDINGS OF FACT, |
| RIVERSIDE COUNTY, CALIFORNIA; |) | CONCLUSIONS AND ORDER TO |
| CHRISTINA H. KANG AND JIN S. KIM, |) | ABATE NUISANCE |
| OWNER. |) | |
| |) | [R.C.O. Nos. 457 (RCC Title 15) and |
| |) | 725 (RCC Title 1)] |

The above-captioned matter came on regularly for hearing on October 3, 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 22432 Markham Street, Perris, Riverside County, APN: 314-030-023, 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 Code Enforcement Department.

No one appeared on behalf of the owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structures 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

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2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Christina H. Kang and Jin S. Kim ("OWNERS").

4 2. Documents of title indicate that other parties potentially holds a legal interest in THE
5 PROPERTY, to wit: Internal Revenue Service, Riverside County Tax Collector, Dei Y. Choi, Scon
6 H. Choi, Sung H. Yu, Kyong H. Yu, Jane Soyoung Suh, Paul Vanta and Evelyn Vanta (hereinafter
7 "Interested Parties").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on December 16,
9 2005, May 18, 2006, August 14, 2006 and October 3, 2006.

10 4. During each inspection, two substandard structures (Main/Primary Dwelling and Shed
11 No. 2) were observed on THE PROPERTY. The structures contained numerous deficiencies,
12 including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink;
13 lack of hot and cold running water to plumbing fixtures; lack of connection to required sewage
14 system; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate
15 heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor
16 supports; members of the walls, partitions or other vertical supports that split, lean, list or buckle due
17 to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other
18 horizontal members which sag, split, or buckle due to defective material or deterioration; faulty
19 weather protection; deteriorated or ineffective weather proofing of exterior walls, roof or floors
20 including broken windows or doors; lack of paint or other approved wall covering; general
21 dilapidation or improper maintenance; fire hazard; and public and attractive nuisance. The shed
22 identified by Code Enforcement as "Shed No. 1" was removed during the course of the investigation.

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

25 6. A Notice of Noncompliance was recorded on June 27, 2006 as Document Number
26 2006-0462555 in the Office of the County Recorder, County of Riverside.

27 7. On December 16, 2005, a Notice of Violation, Notice of Defects and "Danger Do Not
28 Enter" sign were posted on THE PROPERTY. On January 5, 2006, a Notice of Violation and

1 Notices of Defects were mailed by certified mail, return receipt requested to the OWNER. On
2 February 24, 2006, Notice of Violation and Notices of Defects were mailed by certified mail, return
3 receipt requested to the OWNERS and INTERESTED PARTIES.

4 8. On August 8, 2006, a "Notice To Abate Nuisance" providing notice of the public
5 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
6 OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on August 14, 2006.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on October 3, 2006 finds and concludes that:

10 1. WHEREAS, the substandard structures on the real property located at 22432
11 Markham Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number
12 314-030-023 violate Riverside County Ordinance No. 457 and constitute a public nuisance and
13 attractive nuisance.

14 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
15 of THE PROPERTY should abate the condition by razing, removing and disposing of the
16 substandard structures, including the removal and disposal of all structural debris and materials, and
17 contents therein or by reconstruction of said structure provided that said reconstruction or demolition
18 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
19 limited to Riverside County Ordinance No. 457 within ninety (90) days.

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

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1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structures on THE PROPERTY located
3 at 22432 Markham Street, Perris, Riverside County, California, also identified as Assessor's Parcel
4 Number 314-030-023 be abated by the OWNERS, and anyone having possession or control of THE
5 PROPERTY, by razing and removing the substandard structures including the removal and disposal
6 of all structural debris and materials, as well as the contents therein, or by reconstruction of said
7 structure provided such reconstruction can be accomplished in strict accordance with all Riverside
8 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
9 (90) days of the posting and mailing of this order.

10 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
11 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including
12 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
13 mailing of this Order, the substandard structures, contents therein, and structural debris and
14 materials, shall be abated by representatives of the Riverside County Code Enforcement Department,
15 a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where
16 necessary, under, applicable law authorizing entry onto THE PROPERTY.

17 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
18 asbestos containing materials in said structure by survey and materials sample testing by a duly
19 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
20 the removal of all asbestos containing materials discovered through such survey and testing by
21 contract with a duly certified and licensed contractor for the handling of such materials to avoid
22 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 457, and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Department will be
3 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
4 ninety (90) days of the date of this Order to Abate Nuisance.

5 Dated: _____

COUNTY OF RIVERSIDE

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7 By _____

Bob Buster
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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By

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Deputy

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(SEAL)

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