

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

316B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure];  
Case No.: CV 06-1399  
Subject Property: 5426 35th Street, Riverside; APN: 179-192-010  
District Two

**SUBMITTAL DATE:**  
November 2, 2006

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1399 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 06-1399; 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 06-1399.

**BACKGROUND:**

On October 31, 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 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.

*Warren Chu*

WARREN CHU, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	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:

<b>SOURCE OF FUNDS:</b>	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**

*[Signature]*

Dept Recomm Per Exec. Ofc.  
 Consent  Policy  
 Consent  Policy

Prev. Agn. Ref.:

District: 2

Agenda Number:

2 . 14

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:  
Warren Chu, 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 06-1399
[SUBSTANDARD STRUCTURE]; APN 179-192-	)	
010, 5426 35 <sup>TH</sup> STREET, RIVERSIDE,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; HARRY	)	CONCLUSIONS AND ORDER TO
EUGENE LEWIS, OWNER.	)	ABATE NUISANCE
	)	
	)	[R.C.O. Nos. 457 (RCC Title 15) and
	)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 31, 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 5426 35<sup>th</sup> Street, Riverside, Assessor's Parcel Number 179-192-010 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 ("Department").

No one testified on behalf of the property owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public nuisance and in violation of Riverside County Ordinance ("RCO") No. 457 as codified in Riverside County Code ("RCC") 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 Harry Eugene Lewis ("OWNER").

4           2.       Documents of title at the time of the inspection indicated that other parties potentially  
5 hold a legal interest in THE PROPERTY, to-wit: Harry Eugene Lewis, Jr., Terry L. Lonergan,  
6 Nationwide Title Clearing, ARCS Mortgage, Inc., Empire Equity Mortgage Co. and Chase  
7 Manhattan Mortgage Corporation ("INTERESTED PARTIES").

8           3.       THE PROPERTY has been inspected by Code Enforcement Officers on April 4, 2006  
9 and July 20, 2006.

10          4.       During each inspection, a substandard structure was observed on THE PROPERTY.  
11 The structure had extensive fire damage. The substandard conditions of the structure included but  
12 were not limited to: hazardous wiring; deteriorated or inadequate foundation; members of walls,  
13 partitions or other vertical supports that split, lean, list or buckle due to defective material or  
14 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members  
15 which sag, split or buckle due to defective material or deterioration; faulty weather protection-  
16 deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken  
17 windows or doors, lack of paint or other approved wall covering; general dilapidation or improper  
18 maintenance; fire hazard; extensive fire damage; and public and attractive nuisance-  
19 abandoned/vacant.

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 for the substandard structure was recorded on April 24,  
23 2006 as Document Number 2006-0292653 in the Office of the County Recorder, County of  
24 Riverside.

25          7.       On April 4, 2006, a Notice of Violation and a Notice of Defects were posted on the  
26 property. On May 9, 2006, Notices of Violation and Notices of Defects were mailed to OWNER and  
27 INTERESTED PARTIES by certified mail, return receipt requested.

28          8.       On September 18, 2006, a "Notice To Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors on October 31, 2006 was mailed by certified mail, return  
2 receipt requested, to THE PROPERTY OWNER and INTERESTED PARTIES and posted on THE  
3 PROPERTY on September 22, 2006.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
6 regular session assembled on October 31, 2006 finds and concludes that:

7 1. WHEREAS, the substandard structure on the real property located at 5426 35<sup>th</sup> Street,  
8 Riverside, Riverside County, California, also identified as Assessor's Parcel Number 179-192-010  
9 violates Riverside County Ordinance No. 457 and constitutes a public nuisance.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY be  
24 abated by THE PROPERTY OWNER, specifically Harry Eugene Lewis or anyone having possession  
25 or control of THE PROPERTY, by razing and removing the substandard structure including the  
26 removal and disposal of all structural debris and materials, as well as the contents therein, or by  
27 reconstruction and rehabilitation of said structure provided such reconstruction/rehabilitation or  
28 demolition can be accomplished in strict accordance with all Riverside County Ordinances, including

1 but not limited to Riverside County Ordinance No. 457 (RCC Chapter 15.12) within ninety (90) days  
2 of the date of this order.

3 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
4 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
5 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
6 days of the date of this Order, the substandard structure, contents therein, and structural debris and  
7 materials, shall be abated by representatives of the Riverside County Code Enforcement Department,  
8 a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
9 necessary under applicable law authorizing entry onto THE PROPERTY.

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

16 IT IS FURTHER ORDERED that reasonable costs of abatement, after notice and opportunity  
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
18 assessment against THE PROPERTY pursuant to Government Code Section 25845 and Riverside  
19 County Ordinance Nos. 457 (RCC Chapter 15.12) and 725 (RCC Chapter 1.16). Under Riverside  
20 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to  
21 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not  
22 limited to, enforcement, investigation, collection and administrative costs, attorneys' fees, and the  
23 costs associated with the removal or correction of the violation." Reasonable abatement costs  
24 accrued by the Department will be recoverable from THE OWNER even if THE PROPERTY is  
25 brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

26 \\\  
27 \\\  
28 \\\

1 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

2

3 By \_\_\_\_\_

4

Bob Buster  
Chairman, Board of Supervisors

5

6 ATTEST:

7

8 NANCY ROMERO

9

Clerk to the Board

10

11

12 By

13

Deputy

14

15

16 (SEAL)

17

18

G:\Property\01-CODE\BS\ABATEMENT\Lewis1399\FOF.doc

19

20

21

22

23

24

25

26

27

28