

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

317B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 2, 2006

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 06-1848
Subject Property: 3100 Mary Ellen Drive, Riverside; APN 177-193-006
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1848 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 06-1848; 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 06-1848

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 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.

Warren Chu

WARREN CHU, 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

[Signature]

RECEIVED W/ALY 2006 NOV 10 23

Prev. Agn. Ref.:

District: 2

Agenda Number:

2.15

N/Departmental Concurrence

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

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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 06-1848
[SUBSTANDARD STRUCTURE]; APN: 177-193-)	
006, 3100 MARY ELLEN DRIVE, RIVERSIDE,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; LELA)	CONCLUSIONS AND ORDER TO
GRANT, RICHARD CALVIN GRANT AND)	ABATE NUISANCE
WILLIE TUCKER GRANT, OWNERS.)	
_____)	[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 as 3100 Mary Ellen Drive, Riverside, Riverside County, Assessor's Parcel Number 177-193-006, 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 Code Enforcement Department.

Owner, Richard Grant, appeared and spoke with Code Enforcement officials prior to the public hearing but did not address the Board.

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 ("RCO") No. 457 as codified in Riverside County Code ("RCC") Title 15.

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Lela Grant, Richard Calvin Grant and Willie Tucker Grant ("OWNERS").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 30, 2006,
8 June 7, 2006, and September 22, 2006.

9 4. During each inspection, a substandard structure was observed on THE PROPERTY.
10 The substandard conditions of the structure included but were not limited to: lack of improper water
11 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
12 fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate
13 heating facilities; members of the walls, partitions or other vertical supports that split, lean, list or
14 buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof
15 supports or other horizontal members which sag, split, or buckle due to defective material or
16 deterioration; faulty weather protection – deteriorated or ineffective weather proofing of exterior
17 walls, roof or floors including broken windows or doors, lack of paint or other approved wall
18 covering; general dilapidation or improper maintenance; 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 was recorded on April 24, 2006 as Document Number
23 2006-0292655 in the Office of the County Recorder, County of Riverside.

24 7. On March 30, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not
25 Enter" sign were posted on THE PROPERTY. On May 10, 2006, a Notice of Violation and Notice
26 of Defects were mailed by certified mail, return receipt requested to the OWNERS and
27 INTERESTED PARTIES.

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1 Parcel Number 177-193-006 be abated by the OWNERS, and anyone having possession or control of
2 THE PROPERTY, by razing and removing the substandard structure including the removal and
3 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction of
4 said structure provided such reconstruction can be accomplished in strict accordance with all
5 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
6 within ninety (90) days of the posting and mailing of this order.

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

14 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
15 asbestos containing materials in said structure 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 the South Coast Air Quality Management District (SCAQMD).

20 IT IS FURTHER ORDERED that Code Enforcement Officers inspect THE PROPERTY
21 every thirty (30) days during the ninety (90) day period after the posting and mailing of this Order to
22 ensure the OWNERS are bringing THE PROPERTY into compliance with all Riverside County
23 Ordinances, including but not limited to Riverside County Ordinance No. 457.

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 457, and 725. Under Riverside County Ordinance 725, "abatement costs"
28 means "any costs or expenses reasonably related to the abatement of conditions which violate County

1 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
2 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
3 the violation." Reasonable abatement costs accrued by the Department will be recoverable from the
4 property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of
5 the date of this Order to Abate Nuisance.

6 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

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