

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

912 B



SUBMITTAL DATE:
December 29, 2006

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 05-3488
Subject Property: 6303 Eucalyptus Avenue, Riverside; APN 163-152-022
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-3488 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 05-3488; 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 05-3488.

BACKGROUND:

On December 12, 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, Conclusions and Order to Abate.

[Signature]
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

[Signature]

5002 DEC 33 AM 8:18

RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.:

District: 2

Agenda Number:

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Departmental Concurrence

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

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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**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 05-3488
[SUBSTANDARD STRUCTURE]; APN: 163-152-)	
022, 6303 EUCALYPTUS AVENUE,)	FINDINGS OF FACT,
RIVERSIDE, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; EUCLYDE BERTRAND AND)	ABATE NUISANCE
JOSEPHINE BERTRAND, OWNERS.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 12, 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 6303 Eucalyptus Avenue, Riverside, Riverside County, APN: 163-152-022 (hereinafter referred to 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.

No one appeared on behalf of the owners of THE PROPERTY.

The Board of Supervisors received the Declaration of Code Enforcement Officer Cynthia Black 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.

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SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Euclide Bertrand and Josephine Bertrand (hereinafter referred to as
4 "OWNERS").

5 2. Documents of title indicate that other parties potentially holds a legal interest in THE
6 PROPERTY, to wit: Union Home Loans, Aames Funding Corporation (DBA Aames Home Loan),
7 Simon Rytsis and Ann Rytsis, Beatrice Dinerman and Bankers Trust Company of California, N.A.
8 (hereinafter referred to as "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 27, 2005,
10 July 7, 2006, September 7, 2006, November 6, 2006 and November 16, 2006.

11 4. During each inspection, a substandard structure (dwelling) was observed on THE
12 PROPERTY. The structure was described as an old deteriorated, single-story dwelling. The
13 structure contained numerous deficiencies, including but not limited to: lack of improper water
14 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
15 fixtures; lack of required electrical lighting – electrical service/meter has been removed; hazardous
16 wiring – exposed wires; lack of adequate heating facilities; dampness of habitable rooms – broken
17 windows; faulty weather protection – dilapidated roof and exterior stucco removed; general
18 dilapidation or improper maintenance; fire hazard; and public and attractive nuisance.

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

21 6. A Notice of Noncompliance was recorded on January 4, 2006 as Document Number
22 2006-0007794 in the Office of the County Recorder, County of Riverside.

23 7. On October 27, 2005, a Notice of Violation, Notice of Defects and a "Danger Do Not
24 Enter" sign were posted on THE PROPERTY. On December 15, 2005, a Notice of Violation and
25 Notice of Defects were mailed by certified mail, return receipt requested, to the OWNERS. On June
26 1, 2006 and August 16, 2006, Notices of Violation and Notices of Defects were mailed by certified
27 mail, return receipt requested to the OWNERS and INTERESTED PARTIES.

28 8. On November 2, 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 PROPERTY OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on
3 November 6, 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 December 12, 2006 finds and concludes that:

7 1. WHEREAS, the substandard structure on the real property located at 6303 Eucalyptus
8 Avenue, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 163-
9 152-022 violates Riverside County Ordinance No. 457 (RCC Title 15) and constitutes a public
10 nuisance.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
24 at 6303 Eucalyptus Avenue, Riverside, Riverside County, California, also identified as Assessor's
25 Parcel Number 163-152-022 be abated by the OWNERS, and anyone having possession or control of
26 THE PROPERTY, by razing and removing the substandard structure including the removal and
27 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
28 and rehabilitation of said structure provided such reconstruction and rehabilitation can be

1 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
2 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this order.

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

10 FURTHERMORE, OWNERS are 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 abatement costs, 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 and 725. Under Riverside County Ordinance 725, "abatement costs"
20 means "any costs or expenses reasonably related to the abatement of conditions which violate County
21 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
22 and administrative costs, attorneys fees, and the costs associated with the removal or correction of

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

4 Dated: _____

COUNTY OF RIVERSIDE

6 By _____

John Tavaglione
Chairman, Board of Supervisors

7 ATTEST:

8 NANCY ROMERO

9 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

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