

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

128B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 11, 2007

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 06-1931
Subject Property: 23635 Cypress Place, Canyon Lake; APN 350-263-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1931 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 06-1931; 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 06-1931

BACKGROUND:

On June 5, 2007, 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.

Warren Y. Chu

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

(Continued)

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 BY *Tina Grande*
Tina Grande

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

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1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Jane Warner and Ernest E. Schworck (hereinafter referred to as
4 "OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Eastern Municipal Water District and The Schworck-Warner LLC (hereinafter
7 referred to as "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 3, 2006,
9 May 15, 2006, July 7, 2006, January 16, 2007, April 25, 2007 and May 24, 2007.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE
11 PROPERTY. The structure was described as abandoned, dilapidated and vacant. The structure
12 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
13 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;
14 hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating
15 facilities; defective or deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and
16 roof supports or other horizontal members which sag, split or buckle due to defective material or
17 deterioration; dampness of habitable rooms; faulty weather protection-deteriorated or ineffective
18 weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or
19 other approved wall covering; general dilapidation or improper maintenance; and public and
20 attractive nuisance – abandoned/ vacant.

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

23 6. A Notice of Noncompliance was recorded on April 13, 2006 as Document Number
24 2006-0263883 in the Office of the County Recorder, County of Riverside.

25 7. On April 3, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not
26 Enter" sign were posted on THE PROPERTY. On April 12, 2006, a Notice of Violation and Notice
27 of Defects were mailed by certified mail, return receipt requested, to the OWNERS.

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1 said structure provided such reconstruction can be accomplished in strict accordance with all
2 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
3 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
21 means "any costs or expenses reasonably related to the abatement of conditions which violate County
22 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
23 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

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6 By _____

John Tavaglione
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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