

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

104 B



SUBMITTAL DATE:
August 28, 2007

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 06-7375
Subject Property: 33625 Mission Trail, Wildomar; APN 370-060-027
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-7375 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 06-7375; 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 06-7375.

BACKGROUND:

On July 31, 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 (commercial building) 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, Conclusion and Order to Abate.

Tiffany N. North

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:	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

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

SUBMITTED TO THE BOARD OF SUPERVISORS

RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: 7/31/07; 9.6 | **District:** 1 | **Agenda Number:** 2.15

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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 06-7375
[SUBSTANDARD STRUCTURE]; APN: 370-060-)	
027, 33625 MISSION TRAIL, WILDOMAR,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; CHANG)	CONCLUSIONS AND ORDER TO
HAN YOON, 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 July 31, 2007, 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 33625 Mission Trail, Wildomar, Riverside County, California, and further described as Assessor's Parcel Number 370-060-027, 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.

Lessee of THE PROPERTY, Ayman Srour, appeared on behalf of the owner and spoke to Jim Monroe prior to the hearing. However, he did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure (commercial building) on THE

1 PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified
2 in Riverside County Code Title 15.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner
5 of THE PROPERTY as Chang Han Yoon dba Williams Realty ("OWNER").

6 2. Documents of title indicate that other parties potentially holds a legal interest in THE
7 PROPERTY, to wit: Teodorico B. Sazon and Rosalinda D. Sazon, The Lazaris Family Trust, DAL
8 Financial, Doran Dauria, Karen Leah Dauria, Jason Dauria, Riverside Loan Service, Inc., and E.G.
9 Piper, Trustee under the Declaration of Trust dated August 2, 1996 ("INTERESTED PARTIES").

10 3. THE PROPERTY has been inspected by Code Enforcement Officers on November
11 30, 2006, March 23, 2007, March 29, 2007, May 22, 2007, July 11, 2007 and July 30, 2007.

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

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 April 2, 2007 as Document Number
26 2007-0222207 in the Office of the County Recorder, County of Riverside, State of California.

27 7. On November 30, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not
28 Enter" sign were posted on THE PROPERTY. On January 16, 2007, a Notice of Violation and

1 Notice of Defects were mailed by certified mail, return receipt requested, to the OWNER and
2 INTERESTED PARTIES. On March 9, 2007, a Notice of Violation and Notice of Defects were
3 mailed by certified mail, return receipt requested, to Karen and Doran Dauria. On March 29, 2007, a
4 Notice of Violation was posted on THE PROPERTY. On March 30, 2007, a Notice of Summary
5 Abatement of Public Nuisance was mailed by certified mail, return receipt requested, to OWNER.

6 8. On June 26, 2007, a "Notice To Correct County Ordinance Violations and Abate
7 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 31,
8 2007 was mailed by certified mail, return receipt requested, to the OWNER, INTERESTED
9 PARTIES and Mr. Ayman Emran Srour, lessee of THE PROPERTY, and was posted on THE
10 PROPERTY on July 11, 2007.

11 **FINDINGS AND CONCLUSIONS**

12 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
13 regular session assembled on July 31, 2007 finds and concludes that:

14 1. WHEREAS, the substandard structure (commercial building) on the real property
15 located at 33625 Mission Trail, Wildomar, Riverside County, California, also identified as Assessor's
16 Parcel Number 370-060-027 violates Riverside County Ordinance No. 457 (RCC Title 15) and
17 constitutes a public nuisance and attractive nuisance.

18 2. WHEREAS, THE PROPERTY OWNER, occupants and any person having
19 possession or control of the premises should abate the substandard condition by razing, removing
20 and disposing of the substandard structure (commercial building) and contents therein or by
21 reconstruction and rehabilitation of said structure provided that said reconstruction or demolition can
22 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited
23 to Riverside County Ordinance No. 457 within ninety (90) days.

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

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ORDER TO ABATE NUISANCE

3 IT IS THEREFORE ORDERED that the substandard structure (commercial building) on
4 THE PROPERTY located at 33625 Mission Trail, Wildomar, Riverside County, California, also
5 identified as Assessor's Parcel Number 370-060-027 be abated by THE OWNER, or anyone having
6 possession or control of THE PROPERTY, by razing and removing the substandard structure
7 (commercial building) and contents therein or by reconstruction and rehabilitation of said structure
8 provided such reconstruction or demolition can be accomplished in strict accordance with all
9 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
10 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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

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

7

8 Dated: _____

COUNTY OF RIVERSIDE

9

10

By _____
John Tavaglione
Chairman, Board of Supervisors

11

12 ATTEST:
13 NANCY ROMERO
14 Clerk to the Board

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18 By
19 Deputy
(SEAL)

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