

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

219B



SUBMITTAL DATE:
September 10, 2007

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 05-1492
Subject Property: 19351 Consul Avenue, Corona; APN 277-070-011
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-1492 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 05-1492; 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 05-1492

BACKGROUND:

On September 4, 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 (dwelling with detached garage) 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.

[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:	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

BY *[Signature]*
Tina Grande

County Executive Office Signature

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

51 5: 11 26 003
 RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: 9/4/07; 9.2 | District: 2 | Agenda Number:

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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 05-1492
[SUBSTANDARD STRUCTURES]; APN: 277-)	
070-011, 19351 CONSUL AVENUE, CORONA,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; CARL)	CONCLUSIONS AND ORDER TO
ADKINS, 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 September 4, 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 19351 Consul Avenue, Corona, Riverside County, Assessor's Parcel Number: 277-070-011, 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.

Kathy and Darrell Hill, daughter and son-in-law of Owner, Carl Adkins, appeared and spoke to Tiffany North and Jim Monroe prior to the hearing. Mr. and Mrs. Hill stated that rehabilitation plans were drawn and permits were obtained. Mr. and Mrs. Hill stated that they would make efforts to rehabilitate the substandard structure within the ninety (90) day post Order to Abate period. They did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with the attached Exhibits, evidencing the substandard structures on THE PROPERTY as a public
2 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
3 Title 15.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the Owners
6 of THE PROPERTY as Carl Adkins ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: Jeanne Liptak Davis, The Davis Family Living Trust and New Century
9 Mortgage Corporation (hereinafter "INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on December 14,
11 2005, December 20, 2005, December 27, 2005, March 29, 2006, April 19, 2006, December 5, 2006,
12 March 21, 2007, July 24, 2007, and September 4, 2007.

13 4. During each inspection, two substandard structures (dwelling and detached garage)
14 were observed on THE PROPERTY. The structures were described as abandoned, dilapidated and
15 vacant. The structures contained numerous deficiencies, including but not limited to: lack of proper
16 lavatory; lack of hot and cold running water; lack of required electrical lighting; lack of adequate
17 heating facilities; defective or deteriorated flooring or flooring support; members of walls, partitions,
18 or other vertical supports that split, lean, lost or buckle due to defective material or deterioration;
19 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
20 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
21 protection; public and attractive nuisance.

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

24 6. A Notice of Noncompliance was recorded on January 11, 2006 as Document Number
25 2006-0057919 in the Office of the County Recorder, County of Riverside.

26 7. On December 27, 2005 and April 19, 2006, Notices of Violation, Notices of Defects
27 and "Danger Do Not Enter" signs were posted on THE PROPERTY. On January 11, 2006 and April
28 5, 2007, Notices of Violation and Notice of Defects were mailed by certified mail, return receipt

1 requested to the OWNER. On January 30, 2006, a Notice of Violation and Notice of Defects were
2 mailed by certified mail, return receipt requested to INTERESTED PARTIES. On February 1, 2006,
3 and April 24, 2006, Notices of Violation and Notices of Defects were mailed by certified mail, return
4 receipt requested to OWNER and INTERESTED PARTIES.

5 8. On July 24, 2007, a "Notice To Correct County Ordinance Violations and Abate
6 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
7 by certified mail, return receipt requested, to THE OWNER and INTERESTED PARTIES and was
8 posted on THE PROPERTY on July 24, 2007.

9 9. During the September 4, 2007 hearing, Tiffany N. North and Jim Monroe explained
10 the abatement procedure and time frames to Kathy and Darrell Hill. Mr. and Mrs. Hill advised that
11 they had plans drawn and permits pulled to rehabilitate the structures and indicated that they would
12 make all efforts to rehabilitate the structures during the ninety (90) day post Order to Abate period.

13 FINDINGS AND CONCLUSIONS

14 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
15 regular session assembled on September 4, 2007 finds and concludes that:

16 1. WHEREAS, the substandard structures (dwelling with detached garage) on the real
17 property located at 19351 Consul Avenue, Corona, Riverside County, California, also identified as
18 Assessor's Parcel Number 277-070-011 violate Riverside County Ordinance No. 457 and constitute a
19 public nuisance and attractive nuisance.

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

27 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
28 FURTHER NOTICED that the time within which judicial review of the administrative

1 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
2 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
3 Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structures (dwelling and detached
6 garage)on THE PROPERTY located at 19351 Consul Avenue, Corona, Riverside County,
7 California, also identified as Assessor's Parcel Number 277-070-011 be abated by the OWNER, and
8 anyone having possession or control of THE PROPERTY, by razing and removing the substandard
9 structures including the removal and disposal of all structural debris and materials, as well as the
10 contents therein, or by reconstruction of said structures provided such reconstruction can be
11 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
12 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
13 to Abate Nuisance.

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

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

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
3 means "any costs or expenses reasonably related to the abatement of conditions which violate County
4 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
5 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
6 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
7 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
8 ninety (90) days of the date of this Order to Abate Nuisance.

9 Dated: _____

COUNTY OF RIVERSIDE

10

11 By _____
12 John Tavaglione
13 Chairman, Board of Supervisors

11

12

13 ATTEST:

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14 NANCY ROMERO

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15 Clerk to the Board

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18 By

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19 Deputy

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20 (SEAL)

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