

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

427 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 5, 2007

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 05-6020
Subject Property: 18641 Grand Avenue, Lake Elsinore; APN 371-210-028
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-6020 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 05-6020; 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 05-6020

BACKGROUND:

On October 2, 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.

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANIK, 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
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: 10/2/07, 9.2

District: 1

Agenda Number:

2.19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 05-6020
[SUBSTANDARD STRUCTURE]; APN: 371-210-))
028, 18641 GRAND AVENUE, LAKE) FINDINGS OF FACT,
ELSORRE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; ELSINORE LODGE 1021 LOYAL) ABATE NUISANCE
ORDER MOOSE INC., OWNER.))
) [R.C.O. Nos. 457 (RCC Title 15) and
) 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 2, 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 18641 Grand Avenue, Lake Elsinore, Riverside County, Assessor's Parcel Number: 371-210-028, 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.

Representatives of OWNER, Daniel Patterson and Brook Barnson met with Jim Monroe and Tiffany North prior to the hearing and were advised of the administrative abatement process. Messrs. Barnson and Patterson did not dispute the substandard condition of the structure and 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 on THE PROPERTY as a public

1 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
2 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 Elsinore Lodge 1021 Loyal Order Moose Inc. ("OWNER").

6 2. Documents of title indicate that no other party potentially holds a legal interest in
7 THE PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 29, 2006,
9 November 2, 2006, November 15, 2006, April 12, 2007, August 28, 2007, and October 1, 2007.

10 4. During each inspection, a substandard structure (A-Frame Structure) was observed on
11 THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The
12 structure contained numerous deficiencies, including but not limited to: lack of or improper water
13 closet and shower; no running water; hazardous plumbing; lack of required electrical lighting;
14 hazardous wiring; lack of heating facilities; no electrical power; deteriorated foundation; deteriorated
15 flooring; defective wall member; defective roof members (rafters); structure open to elements;
16 general dilapidation; public and attractive nuisance; and unpermitted addition to a-frame.

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

19 6. A Notice of Noncompliance was recorded on December 28, 2006 as Document
20 Number 2006-0948076 in the Office of the County Recorder, County of Riverside.

21 7. On August 29, 2006, a Notice of Violation, Notice of Defects and "Danger Do Not
22 Enter" sign were posted on THE PROPERTY. On October 3, 2006, a Notice of Violation and
23 Notice of Defects were mailed by certified mail, return receipt requested to the OWNER.

24 8. On August 23, 2007, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
26 by certified mail, return receipt requested, to OWNER and was posted on THE PROPERTY on
27 August 28, 2007.

28 \\\

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on October 2, 2007 finds and concludes that:

4 1. WHEREAS, the substandard structure (A-Frame Structure) on the real property
5 located at 18641 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as
6 Assessor's Parcel Number 371-210-028 violates Riverside County Ordinance No. 457 and constitutes
7 a public nuisance and attractive nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the substandard structure (A-Frame Structure) on THE
22 PROPERTY located at 18641 Grand Avenue, Lake Elsinore, Riverside County, California, also
23 identified as Assessor's Parcel Number 371-210-028 be abated by the OWNER, and anyone having
24 possession or control of THE PROPERTY, by razing and removing the substandard structure
25 including the removal and disposal of all structural debris and materials, as well as the contents
26 therein, or by rehabilitation and reconstruction or demolition of said structure provided such
27 reconstruction can be accomplished in strict accordance with all Riverside County Ordinances,
28 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the

1 posting and mailing of this Order to Abate Nuisance.

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

10 FURTHERMORE, THE OWNER 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 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

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

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

5
6 By _____
John Tavaglione
Chairman, Board of Supervisors

7 ATTEST:
8 NANCY ROMERO
9 Clerk to the Board

10
11
12 By
13 Deputy
14 (SEAL)

15 L:\DOCS\6000\CV056020\A15925.DOC

16
17
18
19
20
21
22
23
24
25
26
27
28