

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

316 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 10, 2007

SUBJECT: Order to Abate [substandard structures];
Case No.: CV 07-1405
Subject Property: 38901 Reed Valley Road, Aguanga; APNs 571-280-037 and 571-230-039
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1405 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 07-1405; 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 07-1405

BACKGROUND:

On November 27, 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 structures 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

Consent
 Policy

 Consent
 Policy

 Dep't Recomm.:
 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 07-1405
[SUBSTANDARD STRUCTURES]; APNS: 571-)	
280-037 AND 571-230-039, 38901 REED)	FINDINGS OF FACT,
VALLEY ROAD, AGUANGA, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; CHP VENTURES,)	ABATE NUISANCE
LLC, OWNER.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]
)	

The above-captioned matter came on regularly for hearing on November 27, 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 38901 Reed Valley Road, Aguanga, Riverside County, APNs: 571-280-037 and 571-230-039, 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.

Owner, Clay Harper appeared and		isors.
The Board of Supervisors received:	<i>Clay</i>	orcement Officer together
with the attached Exhibits, evidencing the		: PROPERTY as a public
nuisance and violation of Riverside Count		fied in Riverside County
Code Title 15.		

1 of Defects were mailed by certified mail, return receipt requested to OWNER and INTERESTED
2 PARTIES.

3 8. On October 11, , a "Notice To Correct County Ordinance Violations and Abate Public
4 Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by
5 certified mail, return receipt requested, to THE OWNER and posted on THE PROPERTY on
6 October 16, 2007.

7 9. During the public hearing in this matter, Clay Harper addressed the Board of
8 Supervisors and requested an extension of time to bring THE PROPERTY into compliance. The
9 Board of Supervisors denied his request.

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11 **FINDINGS AND CONCLUSIONS**

12 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
13 regular session assembled on November 27, 2007 finds and concludes that:

14 1. WHEREAS, the substandard structures on the real property located at 38901 Reed
15 Valley Road, Aguanga, Riverside County, California, also identified as Assessor's Parcel Numbers
16 571-280-037 and 571-230-039 violate Riverside County Ordinance No. 457 and constitutes a public
17 nuisance and attractive nuisance.

18 2. WHEREAS, THE OWNER, occupants and any person having possession or control
19 of THE PROPERTY should abate the condition by razing, removing and disposing of the
20 substandard structures, including the removal and disposal of all structural debris and materials, and
21 contents therein or by reconstruction of said structures provided that said reconstruction or
22 demolition can be accomplished in strict accordance with all Riverside County Ordinances, including
23 but not limited 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.

ORDER TO ABATE NUISANCE

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2 IT IS THEREFORE ORDERED that the substandard structures on THE PROPERTY located
3 at 38901 Reed Valley Road, Aguanga, Riverside County, California, also identified as Assessor's
4 Parcel Number 571-280-037 and 571-230-039 be abated by the OWNER, and anyone having
5 possession or control of THE PROPERTY, by razing and removing the substandard structures
6 including the removal and disposal of all structural debris and materials, as well as the contents
7 therein, or by reconstruction of said structures provided such reconstruction can be accomplished in
8 strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
10 Nuisance.

11 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
12 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including
13 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
14 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural
15 debris and materials, shall be abated and disposed of by representatives of the Riverside County
16 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
17 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 structures 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
28 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"

1 means "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 Dated: _____

COUNTY OF RIVERSIDE

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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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