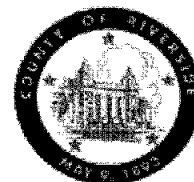


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

718 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 14, 2008

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 07-4077
Subject Property: 33043 Wesley Street, Winchester
APN: 463-117-057
District Three

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4077 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 07-4077; 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 07-4077.

(Continued)

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
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 01/08/08; 9.8 | District: 3 | Agenda Number:

2.11

Order to Abate [Substandard Structure]
Case No.: CV 07-4077
Subject Property: 33043 Wesley Street, Winchester
APN: 463-117-057
District Three

BACKGROUND:

On January 8, 2008 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 five (5) separate units) 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.

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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 07-44077
[SUBSTANDARD STRUCTURE];)	
APN 463-117-057, 33043 WESLEY STREET,)	FINDINGS OF FACT,
WINCHESTER, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; JACKSON WILLIS GERBL AND)	ABATE NUISANCE
TAMBIA RAE GERBL, OWNERS.)	
)	[R.C.O. Nos. 457 (RCC Title 15), and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on January 8, 2008, 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 33043 Wesley Street, Winchester, Assessor's Parcel Number 463-117-057 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the property owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violations of Riverside County Ordinance No. 457 (Riverside County Code Title 15) and as a public nuisance.

///

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Jackson Willis Gerbl and Tambia Rae Gerbl ("OWNERS").

4 2. Documents of title indicate that additional parties potentially hold a legal interest in
5 THE PROPERTY, to wit: Mercury Savings & Loan Association, California Mortgage Service,
6 Mortgage Electronic Registration Systems, Inc. as nominee for Homeside Lending Inc., Papst Bail
7 Bonds, and the State of California Franchise Tax Board.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 30, 2007,
9 June 15, 2007, September 26, 2007, October 11, 2007, November 26, 2007 and January 4, 2008.

10 4. During each inspection, a substandard structure (dwelling with five (5) separate units)
11 was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and
12 vacant. The structure contained numerous deficiencies, including but not limited to: Lack of or
13 improper water closet, lavatory, bathtub or kitchen sink; lack of hot and cold running water to
14 plumbing fixtures; lack of connection to required sewage system; hazardous plumbing; lack of
15 required electrical lighting; hazardous wiring; lack of adequate heating facilities; defective or
16 deteriorated flooring and floor supports; members of walls, partitions or other vertical supports that
17 split, lean, lost or buckle due to defective material or deterioration; members of ceilings, roofs,
18 ceiling and roof supports or other horizontal members; faulty weather protection; general
19 dilapidation or improper maintenance; fire hazard; abandoned, vacant, public and attractive
20 nuisance.

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. On June 13, 2007, a Notice of Noncompliance for the substandard structure was
24 recorded against THE PROPERTY as instrument number 2007-0388932.

25 7. On May 30, 2007, a Notice of Violation, Notice of Defects and "Danger Do Not
26 Enter" signs were posted on THE PROPERTY. On June 5, 2007, a Notice of Violation and Notice
27 of Defects were mailed by certified mail, return receipt requested to OWNERS.

28 ///

1 and Tambia Rae Gerbl or anyone having possession or control of THE PROPERTY, by razing and
2 removing the substandard structure (dwelling with five (5) separate units) including the removal and
3 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
4 and rehabilitation of said structure provided such reconstruction and rehabilitation can be
5 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
6 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
7 to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the substandard structure (dwelling with five (5) separate
9 units) is not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance
10 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
11 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the
12 substandard structure, contents therein, and structural debris and materials, shall be abated and
13 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor,
14 or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,
15 under applicable law authorizing entry onto THE PROPERTY.

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

22 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
23 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
24 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
25 County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Chapter 1.16). Under Riverside County
26 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
27 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
28 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the

1 costs associated with the removal or correction of the violation.” Reasonable abatement costs
2 accrued by the Code Enforcement Department will be recoverable from OWNERS even if THE
3 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
4 Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 Roy Wilson
Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO

12 Clerk to the Board

13
14 By

15 Deputy

16 (SEAL)

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