

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 18, 2008

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 07-2222
Subject Property: 24680 Sophie Street, Perris
APN: 342-170-078
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-2222 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 07-2222; 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 07-2222.

(Continued)

[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's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 01/15/08; 9.2 | District: 5 | Agenda Number:

2.12

Order to Abate [Substandard Structure]
Case No.: CV 07-2222
Subject Property: 24680 Sophie Street, Perris
APN: 342-170-078
District Five

BACKGROUND:

On January 15, 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 (12' x 20' wood shed) 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 07-2222
[SUBSTANDARD STRUCTURE];)	
APN 342-170-078, 24680 SOPHIE STREET,)	FINDINGS OF FACT,
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;)	CONCLUSIONS AND ORDER TO
ELGIN GRISMORE AND CONSTANCE)	ABATE NUISANCE
GRISMORE, 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 15, 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 24680 Sophie Street, Perris, Assessor's Parcel Number 342-170-078 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.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Elgin Grismore and Constance Grismore ("OWNERS").

4 2. Documents of title indicate that additional parties potentially hold a legal interest in
5 THE PROPERTY, to wit: Sierra Realty and Investment, Inc., Wesley A. Winston and Cora E.
6 Winston, Kenneth M. Scott, the Superior Court of California for the County of Riverside, Smead
7 Tatum and Christene Tatum.

8 3. THE PROPERTY was inspected by the Code Enforcement Officer on May 17, 2007,
9 October 4, 2007, December 10, 2007 and January 11, 2008.

10 4. During each inspection, a substandard structure (12'x 20' wood shed) was observed on
11 THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
12 structure contained numerous deficiencies, including but not limited to: lack of or improper water
13 closet, lavatory, bathtub, shower or kitchen; lack of hot and cold running water to plumbing fixtures;
14 lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; defective or
15 deteriorated flooring and floor supports; members of walls, partitions or other vertical supports that
16 split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs,
17 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective
18 material or deterioration; dampness of habitable rooms; faulty weather protection; general
19 dilapidation or improper maintenance; abandoned, vacant, public and attractive nuisance.

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

22 6. On June 29, 2007, a Notice of Noncompliance for the substandard structure was
23 recorded against THE PROPERTY as instrument number 2007-0428779.

24 7. On May 17, 2007, a Notice of Violation, Notice of Defects and "Danger Do Not
25 Enter" signs were posted on THE PROPERTY. On June 19, 2007, a Notice of Violation and Notice
26 of Defects were mailed by certified mail, return receipt requested to OWNERS and INTERESTED
27 PARTIES.

28 8. On December 5, 2007, a "Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on January
2 15, 2008 was mailed by certified mail, return receipt requested to OWNERS and INTERESTED
3 PARTIES and on December 10, 2007 was posted on THE PROPERTY.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on January 15, 2008 finds and concludes that:

7 1. WHEREAS, the substandard structure (12’x 20’ wood shed) on the real property
8 located at 24680 Sophie Street, Perris, Riverside County, California, also identified as Assessor's
9 Parcel Number 342-170-078 violates Riverside County Ordinance No. 457 (RCC Title 15) and
10 constitutes a public nuisance.

11 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
12 of THE PROPERTY should abate the substandard structure (12’x 20’ wood shed) by razing,
13 removing and disposing of the substandard structure, including the removal and disposal of all
14 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
15 structure provided that said reconstruction or demolition can be accomplished in strict accordance
16 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
17 457 within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structure (12’ x 20’ wood shed) on
24 THE PROPERTY be abated by the OWNERS, specifically Elgin Grismore and Constance Grismore
25 or anyone having possession or control of THE PROPERTY, by razing and removing the
26 substandard structure (12’ x 20’ wood shed) including the removal and disposal of all structural
27 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
28 structure provided such reconstruction and rehabilitation can be accomplished in strict accordance

1 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
2 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the substandard structure (12' x 20' wood shed) is not
4 razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all
5 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
6 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
7 structure, contents therein, and structural debris and materials, shall be abated and disposed of by
8 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's
9 Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable
10 law authorizing entry onto THE PROPERTY.

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

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Chapter 1.16). Under Riverside County
21 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
22 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
23 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
24 costs associated with the removal or correction of the violation." Reasonable abatement costs
25 accrued by the Code Enforcement Department will be recoverable from OWNERS even if THE

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1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
Roy Wilson
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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(SEAL)

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