

**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:
February 15, 2008

SUBJECT: Order to Abate [Substandard Structures]
Case No.: CV 06-6574
Subject Property: 22635 Fisher Street, Perris
APN: 325-200-036
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6574 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 06-6574; 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 06-6574.

(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

County Executive Office Signature

BY: *[Signature]*
Tina Grande

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 01/29/08; 9.3

District: 5

Agenda Number:

2.39

Order to Abate [Substandard Structures]
Case No.: CV 06-6574
Subject Property: 22635 Fisher Street, Perris
APN: 325-200-036
District Five

BACKGROUND:

On January 29, 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 three (3) substandard structures (2 single family dwellings and detached garage) on the subject property to be a public nuisance. The Board ordered the property owners 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 06-6574
[SUBSTANDARD STRUCTURES; APN 325-200-)	
036, 22635 FISHER STREET, PERRIS,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE)	CONCLUSIONS AND ORDER TO
OF VITELSIA HAGGINS DEDEAUX, ELLIOT)	ABATE NUISANCE
HAGGINS, JOHN RUDOLPH HAGGINS,)	
MARION FRANK HAGGINS, BARBARA)	[R.C.O. Nos. 457 (RCC Title 15) and
HAGGINS JENKINS, MARTIN HAGGINS,)	725 (RCC Title 1)]
BECKNELL HAGGINS SCOTT, ELLARIE)	
HAGGINS AND MARCUS HAGGINS,)	
OWNERS.)	

The above-captioned matter came on regularly for hearing on January 29, 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 as 22635 Fisher Street, Perris, Assessor's Parcel Number 325-200-036 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 owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of

1 Riverside County Ordinance No. 457 (Riverside County Code Title 15) as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Estate of Vitelsia Haggins Dedeaux, Elliot Haggins, John Rudolph Haggins,
5 Marion Frank Haggins, Barbara Haggins Jenkins, Martin Haggins, Becknell Haggins Scott, Ellarie
6 Haggins and Marcus Haggins ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to-wit: Tax Collector of the County of Riverside and Ralph Dedeaux ("INTERESTED
9 PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on October 30, 2006,
11 December 28, 2006, April 3, 2007, August 6, 2007, October 11, 2007, December 13, 2007 and
12 January 28, 2008.

13 4. During each inspection, three (3) substandard structures (2 single family dwellings
14 and detached garage) were observed on THE PROPERTY. The structures were observed to be
15 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but
16 not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot
17 and cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring;
18 lack of adequate heating facilities; lack of connection to required sewage system; hazardous
19 plumbing; defective or deteriorated flooring or floor support; members of walls, partitions, or other
20 vertical supports that split, lean, list or buckle due to defective material or deterioration; members of
21 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due
22 to defective material or deterioration; dampness of habitable rooms; faulty weather protection;
23 general dilapidation or improper maintenance; extensive fire damage; abandoned, vacant, public and
24 attractive nuisance and improper occupancy.

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

27 6. A Notice of Noncompliance was recorded on November 30, 2006, as Document
28 Number 2006-0878085 in the Office of the County Recorder, County of Riverside.

1 7. On October 30, 2006, Notice of Violation, Notice of Defects and Danger Do Not
2 Enter signs were posted on THE PROPERTY. On November 7, 2006, a Notice of Violation and
3 Notice of Defects were mailed by certified mail, return receipt requested to the OWNERS care of
4 Barbara Jenkins. On June 1, 2007, the Notice of Violation and Notices of Defects were mailed by
5 certified mail, return receipt requested to OWNERS and INTERESTED PARTIES.

6 8. On December 11, 2007, the second "Notice to Correct County Ordinance Violations
7 and Abate Nuisance" providing notice of the public hearing before the Board of Supervisors on
8 January 29, 2008 was mailed by certified mail, return receipt requested, to OWNERS and
9 INTERESTED PARTIES and was posted on THE PROPERTY on December 13, 2007.

10 **FINDINGS AND CONCLUSIONS**

11 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
12 regular session assembled on January 29, 2008 finds and concludes that:

13 1. WHEREAS, the three (3) substandard structures (2 single family dwellings and
14 detached garage) on the real property located at 22635 Fisher Street, Perris, Riverside County,
15 California, also identified as Assessor's Parcel Number 325-200-036 violates Riverside County
16 Ordinance No. 457 (RCC Title 15) and constitutes a public nuisance.

17 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
18 of THE PROPERTY should abate the three (3) substandard structure (2 single family dwellings and
19 detached garage) by razing, removing and disposing of the substandard structures, including the
20 removal and disposal of all structural debris and materials, and contents therein or by reconstruction
21 and rehabilitation of said structures provided that said reconstruction or demolition can be
22 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
23 Riverside County Ordinance No. 457 within ninety (90) days.

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

28 **ORDER TO ABATE NUISANCE**

1 IT IS THEREFORE ORDERED that the three (3) substandard structures (2 single family
2 dwellings and detached garage) on THE PROPERTY be abated by the OWNERS, specifically Estate
3 of Vitelsia Haggins Dedeaux, Elliot Haggins, John Rudolph Haggins, Marion Frank Haggins,
4 Barbara Haggins Jenkins, Martin Haggins, Becknell Haggins Scott, Ellarie Haggins and Marcus
5 Haggins, or anyone having possession or control of THE PROPERTY, by razing and removing the
6 substandard structures including the removal and disposal of all structural debris and materials, as
7 well as the contents therein, or by reconstruction and rehabilitation of said structure provided such
8 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
9 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
10 days of the posting and mailing of this Order to Abate Nuisance.

11 IT IS FURTHER ORDERED that if the three (3) substandard structures (2 single family
12 dwellings and detached garage) are not razed, removed and disposed of, or reconstructed and
13 rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to
14 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this
15 Order to Abate Nuisance, the substandard structures, contents therein, and structural debris and
16 materials, shall be abated and disposed of by representatives of the Riverside County Code
17 Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
18 consent or a court order, where necessary, under applicable law authorizing entry onto THE
19 PROPERTY.

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

26 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
27 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
28 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside

1 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
2 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
3 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
4 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
5 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
6 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNERS
7 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
8 Order to Abate Nuisance.

9
10 Dated: _____

COUNTY OF RIVERSIDE

11
12 By _____
13 Roy Wilson
14 Chairman, Board of Supervisors

15 ATTEST:
16 NANCY ROMERO
17 Clerk to the Board

18 By
19 Deputy
20 (SEAL)
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