

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

413B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 07-6512
Subject Property: One Parcel South of 23659 Bundy Canyon Road, Wildomar
APN: 366-320-012
District One

SUBMITTAL DATE:
March 17, 2008

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6512 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 07-6512; 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 07-6512.

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

Order to Abate [Substandard Structure]

Case No.: CV 07-6512

Subject Property: One Parcel South of 23659 Bundy Canyon Road, Wildomar

APN: 366-320-012

District One

BACKGROUND:

On March 11, 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 (storage shed) on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative condition 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 NOS. CV 07-6512
[SUBSTANDARD STRUCTURE]; APN 366-320-)	
012, ONE PARCEL SOUTH OF 23659 BUNDY)	FINDINGS OF FACT,
CANYON ROAD, WILDOMAR, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; WILLIAM F. KATZ,)	ABATE NUISANCE
OWNER.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on March 11, 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 One Parcel South of 23659 Bundy Canyon Road, Wildomar, Assessor's Parcel Number 366-320-012 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 Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation 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 owner
3 of THE PROPERTY as William F. Katz ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Chizu Katz and Rosa Katz ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 3, 2007,
7 September 21, 2007, December 14, 2007, February 1, 2008, and March 7, 2008.

8 4. During each inspection, a substandard structure (storage shed) was observed on THE
9 PROPERTY. The structure was observed to be dilapidated. The structure contained numerous
10 deficiencies, including but not limited to: lack of heating facilities, missing door and windows, gaps
11 in the walls; deteriorated or inadequate foundation, the wood being used as the foundation is
12 deteriorated and/or missing; defective or deteriorated flooring and floor supports, wood is
13 deteriorated and flooring is buckling; members of walls, partitions or other vertical supports that
14 split, lean, list or buckle due to defective material or deterioration, walls of the structure had gaps,
15 openings were composed of deteriorated wood; members of ceilings, roofs, ceiling and roof supports
16 or other horizontal members which sag, split, or buckle due to defective material or deterioration, the
17 corrugated tin roof was rusted and there are gaps between the walls and the roof; abandoned, vacant,
18 public and attractive nuisance.

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

21 6. A Notice of Noncompliance was recorded on October 24, 2007 as Document Number
22 2007-0655014 in the Office of the County Recorder, Riverside County, State of California.

23 7. On August 3, 2007, a Notice of Violation, Notice of Defects and "Danger Do Not
24 Enter" signs were posted on THE PROPERTY. On August 20, 2007, a Notice of Violation and
25 Notice of Defects were mailed by certified mail, return receipt requested to OWNER. On October
26 31, 2007, a Notice of Violation and Notice of Defects were mailed by certified mail, return receipt
27 requested and regular mail to OWNER and INTERESTED PARTIES.

28 8. On January 31, 2008, the second notice - "Notice to Correct County Ordinance

1 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
2 Supervisors on March 11, 2008 was mailed by certified mail, return receipt requested, to OWNER
3 and INTERESTED PARTIES and was posted on THE PROPERTY on February 1, 2008.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on March 11, 2008 finds and concludes that:

7 1. WHEREAS, the substandard structure (storage shed) on the real property located at
8 One Parcel South of 23659 Bundy Canyon Road, Wildomar, Riverside County, California, also
9 identified as Assessor's Parcel Number 366-320-012 violates Riverside County Ordinance No. 457
10 (RCC Title 15) and constitutes a public nuisance.

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

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structure (storage shed) on THE
25 PROPERTY be abated by the OWNER, specifically William F. Katz or anyone having possession or
26 control of THE PROPERTY, by razing and removing the substandard structure including the
27 removal and disposal of all structural debris and materials, as well as the contents therein, or by
28 reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can

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

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

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

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

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By
14 Deputy
15 (SEAL)

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