

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



109 B

SUBMITTAL DATE:
April 28, 2008

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structures]
Case No.: CV 07-7161
Subject Property: 7360 Mission Blvd., Riverside
APN: 183-061-002
District Two

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-7161 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 07-7161; 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 07-7161.

(Continued)

Tiffany N. North

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

Tina Grande
BY: _____
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 04/22/08; 9.4 | District: 2 | Agenda Number:

Order to Abate [Substandard Structures]
Case No.: CV 07-7161
Subject Property: 7360 Mission Blvd., Riverside
APN: 183-061-002
District Two

BACKGROUND:

On April 22, 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 structures (dwelling, shed and garage) on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative condition on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

L:\DOCS\6000\CV077161\A26752.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 07-7161
[SUBSTANDARD STRUCTURES]; APN 183-)
061-002, 7360 MISSION BLVD., RIVERSIDE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; SERAFIN) CONCLUSIONS AND ORDER TO
MONROY CORREA AND GERMAN MONROY) ABATE NUISANCE
CORREA, OWNERS.)
) [R.C.O. Nos. 457 (RCC Title 15) and
) 725 (RCC Title 1)]
)

The above-captioned matter came on regularly for hearing on April 22, 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 7360 Mission Blvd., Riverside, Assessor's Parcel Number 183-061-002 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.

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 structures on THE PROPERTY as violation of Riverside County Ordinance No. 457 (Riverside County Code Title 15) and as a public nuisance.

///

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Serafin Monroy Correa and German Monroy Correa (“OWNERS”).

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 17,
7 2007, December 5, 2007, February 15, 2008, March 24, 2008 and April 21, 2008.

8 4. During each inspection, three substandard structures (dwelling, shed and garage) were
9 observed on THE PROPERTY. The structures were observed to be dilapidated. The structures
10 contained numerous deficiencies, including but not limited to: lack of improper water closet,
11 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;
12 hazardous plumbing; lack of required electrical lighting; hazardous wiring; deteriorated or
13 inadequate foundation; defective or deteriorated flooring and floor supports; members of walls,
14 partitions or other vertical supports that split, lean, list or buckle; members of ceilings, roofs, ceiling
15 and roof supports or other horizontal members which sag, split, or buckle due to defective material
16 or deterioration; dampness of habitable rooms; faulty weather protection; deteriorated or ineffective
17 weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or
18 other approved wall covering; general dilapidation or improper maintenance; fire hazard; public and
19 attractive nuisance, abandoned and vacant.

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. A Notice of Noncompliance was recorded on January 11, 2008 as Document Number
23 2008-0017588 in the Office of the County Recorder, Riverside County, State of California.

24 7. On September 17, 2007, Notices of Violation, Notices of Defects and “Danger Do
25 Not Enter” signs were posted on each of the substandard structures on THE PROPERTY. On
26 September 21, 2007, Notice of Violation and Notices of Defects were mailed by certified mail, return
27 receipt requested to OWNERS.

28 8. On March 19, 2008, “Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on April 22,
2 2008 was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE
3 PROPERTY on March 24, 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 April 22, 2008 finds and concludes that:

7 1. WHEREAS, the substandard structures (dwelling, shed and garage) on the real
8 property located at 7360 Mission Blvd., Riverside, Riverside County, California, also identified as
9 Assessor's Parcel Number 183-061-002 violate Riverside County Ordinance No. 457 (RCC Title 15)
10 and 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 structures (dwelling, shed and garage) by razing,
13 removing and disposing of the substandard structures, including the removal and disposal of all
14 structural debris and materials, and contents therein, or by reconstruction and rehabilitation of said
15 structures 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 (RCC Title 15) 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 structures (dwelling, shed and garage)
24 on THE PROPERTY be abated by the OWNERS, specifically Serafin Monroy Correa and German
25 Monroy Correa, or anyone having possession or control of THE PROPERTY, by razing and
26 removing the substandard structures including the removal and disposal of all structural debris and
27 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
28 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all

1 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
2 (RCC Title 15) within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the substandard structures (dwelling, shed and garage)
4 are not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with
5 all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
6 (RCC Title 15), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance,
7 the substandard structures, contents therein, and structural debris and materials, shall be abated and
8 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor,
9 or the Sheriff's Department upon receipt of an owner's consent or a Court Order, where necessary,
10 under applicable 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 structures 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 ///

26 ///

27 ///

28 ///

1 accrued by the Code Enforcement Department will be recoverable from OWNERS even if THE
2 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
3 Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Roy Wilson
9 Chairman, Board of Supervisors

10 ATTEST:
11 NANCY ROMERO
12 Clerk to the Board

13 By
14 Deputy
15 (SEAL)
16

17
18
19
20
21
22
23
24
25
26
27
28

L:\DOCS\6000\CV077161\A26753.DOC