

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 07-9850
Subject Property: 36135 Arnett Rd., Wildomar
APN: 380-100-004
District One

SUBMITTAL DATE:
April 28, 2008

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-9850 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 07-9850; 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 07-9850.

(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
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 04/22/08; 9.5 | **District:** 1 | **Agenda Number:**

Order to Abate [Substandard Structure]
Case No.: CV 07-9850
Subject Property: 36135 Arnett Rd., Wildomar
APN: 380-100-004
District One

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 structure (dwelling) 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 NO. CV 07-9850
[SUBSTANDARD STRUCTURE]; APN 380-100-)
004, 36135 ARNETT RD., WILDOMAR,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; NORTH) CONCLUSIONS AND ORDER TO
RANCH III VENTURES, OWNER.) ABATE NUISANCE
)
) [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 36135 Arnett Rd., Wildomar, Assessor's Parcel Number 380-100-004 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 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 North Ranch III Ventures ("OWNER").

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 November 26,
7 2007, January 7, 2008, March 5, 2008, April 2, 2008 and April 21, 2008.

8 4. During each inspection, a substandard structure (dwelling) 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 adequate heating facilities; members of walls,
11 partitions other vertical supports that split, lean, list or buckle due to defective materials or
12 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members
13 which sag, split, or buckle due to defective material or deterioration and faulty weather protection;
14 general dilapidation or improper maintenance; public and attractive nuisance, abandoned and vacant.

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

17 6. A Notice of Noncompliance was recorded on December 26, 2007 as Document
18 Number 2007-0765118 in the Office of the County Recorder, Riverside County, State of California.

19 7. On November 26, 2007, a Notice of Violation, Notice of Defects and "Danger Do Not
20 Enter" signs were posted on THE PROPERTY. On November 29, 2007, Notice of Violation and
21 Notice of Defects were mailed by certified mail, return receipt requested to OWNER.

22 8. On March 27, 2008, the second notice, "Notice to Correct County Ordinance
23 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of
24 Supervisors on April 22, 2008 was mailed by certified mail, return receipt requested, to OWNER and
25 was posted on THE PROPERTY on April 2, 2008.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on April 22, 2008 finds and concludes that:

1 substandard structure (dwelling), contents therein, and structural debris and materials, shall be abated
2 and disposed of by representatives of the Riverside County Code Enforcement Department, a
3 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where
4 necessary, under applicable law authorizing entry onto THE PROPERTY.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 457 (RCC Title 15), and 725 (RCC Chapter 1.16). Under Riverside County
15 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
16 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
17 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
18 costs associated with the removal or correction of the violation." Reasonable abatement costs

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1 accrued by the Code Enforcement Department will be recoverable from OWNER 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)
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