

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

348 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 22, 2008

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 08-01463
Subject Property: 41546 Acacia Avenue, Hemet
APN: 438-130-004
District Three

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01463 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 08-01463; 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 08-01463.

(Continued)

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:
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 07/29/08; 9.9 | **District:** 3 | **Agenda Number:**

2.21

Order to Abate [Substandard Structure]
Case No.: CV 08-01463
Subject Property: 41546 Acacia Avenue, Hemet
APN: 438-130-004
District Three

BACKGROUND:

On July 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 substandard structure (single family 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 08-01463
[SUBSTANDARD STRUCTURE]; APN 438-130-)	
004, 41546 ACACIA AVENUE, HEMET,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;)	CONCLUSIONS AND ORDER TO
ALEJANDRO GOMEZ, 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 July 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 41546 Acacia Avenue, Hemet, Assessor's Parcel Number 438-130-004 and referred to hereinafter as "THE PROPERTY."

Warren Y. Chu, 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 Alejandro Gomez ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Resmae Mortgage Corporation, MERS, Quality Loan Service Corp., Saxon
6 Mortgage Services, Inc., Lourdes R. Barahona, Lake Hemet Municipal Water District, Michael R.
7 Capizzi – Office of the District Attorney, State of California Employment Development Department
8 and Riverside County's Credit Union ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on February 14,
10 2008, April 7, 2008, May 1, 2008, May 15, 2008, June 3, 2008, June 25, 2008 and July 28, 2008.

11 4. During each inspection, a substandard structure (single family dwelling) was observed
12 on THE PROPERTY. The structure was observed to be fire damaged, dilapidated, abandoned and
13 vacant. The structure contained numerous deficiencies, including but not limited to: members of
14 walls, partitions or other vertical supports that split, lean, list or buckle; members of ceilings, roofs,
15 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective
16 material or deterioration; dampness of habitable rooms; faulty weather protection; extensive fire
17 damage; and public and attractive nuisance.

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

20 6. A Notice of Noncompliance was recorded on March 10, 2008 as Document Number
21 2008-0117352 in the Office of the County Recorder, Riverside County, State of California.

22 7. On February 14, 2008, a Notice of Violation and Notice of Defects were posted on
23 THE PROPERTY. On February 28, 2008, a Notice of Violation and Notice of Defects were mailed
24 by certified mail, return receipt requested to OWNER and INTERESTED PARTIES Resmae
25 Mortgage Corporation, Quality Loan Service Corp., Saxon Mortgage Services, Inc., Lourdes R.
26 Barahona, Lake Hemet Municipal Water District, Michael R. Capizzi – Office of the District
27 Attorney, State of California Employment Development Department and Riverside County's Credit
28 Union c/o Thompson & Colegate, LLP. On April 15, 2008, a Notice of Violation and Notice of

1 Defects were mailed by certified mail, return receipt requested to INTERESTED PARTY MERS.

2 8. On June 19, 2008, the second notice - "Notice to Correct County Ordinance
3 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of
4 Supervisors on July 29, 2008 was mailed by certified mail, return receipt requested, to OWNER and
5 INTERESTED PARTIES and was posted on THE PROPERTY on June 25, 2008.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on July 29, 2008 finds and concludes that:

9 1. WHEREAS, the substandard structure (single family dwelling) on the real property
10 located at 41546 Acacia Avenue, Hemet, Riverside County, California, also identified as Assessor's
11 Parcel Number 438-130-004 violates Riverside County Ordinance No. 457 (RCC Title 15) and
12 constitutes a public nuisance.

13 2. WHEREAS, THE OWNER, occupants and any person having possession or control
14 of THE PROPERTY should abate the substandard structure (single family dwelling) by razing,
15 removing and disposing of the substandard structure, including the removal and disposal of all
16 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
17 structure provided that said reconstruction or demolition can be accomplished in strict accordance
18 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
19 457 within ninety (90) days.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure (single family dwelling) on
27 THE PROPERTY be abated by the OWNER, specifically Alejandro Gomez, or anyone having
28 possession or control of THE PROPERTY, by razing and removing the substandard structure

1 including the removal and disposal of all structural debris and materials, as well as the contents
2 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
3 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
4 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
5 posting and mailing of this Order to Abate Nuisance.

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

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

20 *IT IS FURTHER ORDERED* that reasonable abatement costs, after notice and opportunity
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
23 County Ordinance Nos. 457 (RCC Title 15), and 725 (RCC Chapter 1.16). Under Riverside County
24 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
25 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
26 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
27 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

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14 By
15 Deputy
16 (SEAL)

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23 FORM APPROVED COUNTY COUNSEL
24 BY: Tiffany N. North 8/19/08
25 DATE

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