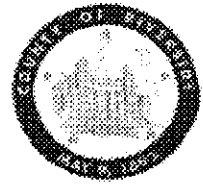


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

850 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 10, 2008

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 06-5448 and CV 07-9951
Subject Property: 21419 Cajalco Road, Perris
APN: 318-140-028
District One

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-5448 and CV 07-9951 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 Nos. CV 06-5448 and CV 07-9951; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-5448 and CV 07-9951.

(Continued)

[Signature]

JULIE A.K. SARVI, 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
[Signature]
BY
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 10/07/08; 9.2 | District: 1 | Agenda Number:

2.10

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 06-5448 and CV 07-9951

Subject Property: 21419 Cajalco Road, Perris

APN: 318-140-028

District One

BACKGROUND:

On October 7, 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 (white building with blue trim and brown building with white trim) and accumulation of rubbish 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:
Julie A.K. Jarvi, 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 06-5448 and
[SUBSTANDARD STRUCTURE AND)	CV 07-9951
ACCUMULATION OF RUBBISH]; APN 318-140-))	
028, 21419 CAJALCO ROAD, PERRIS,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, DONNIE O.TURNER,)	CONCLUSIONS AND ORDER TO
OWNER.)	ABATE NUISANCE
)	
)	[R.C.O. Nos. 457 (RCC Title 15), 541
)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 7, 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 21419 Cajalco Road, Perris, Assessor's Parcel Number 318-140-028 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, 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 (white building with blue trim and brown building with white trim) and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County

1 Code Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner
4 of THE PROPERTY as Donnie O. Turner ("OWNER").

5 2. Documents of title indicate that other parties potentially hold or allege a legal interest
6 in THE PROPERTY, to wit: Mary Wiley, Carolyn Greer, Integrated Lender Services and the State of
7 California Franchise Tax Board ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on November 29,
9 2007, February 7, 2008, April 1, 2008, June 10, 2008, July 23, 2008 and October 6, 2008.

10 4. During each inspection, substandard structures (white building with blue trim and
11 brown building with white trim) were observed on THE PROPERTY. The structures were observed
12 to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including
13 but not limited to: lack of required electrical lighting; hazardous wiring; members of ceilings, roofs,
14 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective
15 material or deterioration; members of walls, partitions or other vertical supports that split, lean, list
16 or buckle due to defective materials or deterioration; faulty weather protection; general dilapidation;
17 public and attractive nuisance.

18 5. During each inspection an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: household trash, discarded furniture, scrap wood,
20 clothes, green waste, trash and debris.

21 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 7. A Notice of Noncompliance for the substandard structures was recorded on March 6,
24 2008 as Document No. 2008-0110407 and a Notice of Noncompliance for the accumulation of
25 rubbish was recorded on June 25, 2008 as Document Number 2008-0345457 in the Office of the
26 County Recorder, County of Riverside.

27 8. On November 29, 2007, Notice of Violations for the accumulated rubbish and
28 substandard structures, a Notice of Defects, and a "Danger - Do Not Enter" and "Do Not Dump"

1 signs were posted on THE PROPERTY. On December 3, 2007, Notice of Violation for the
2 accumulated rubbish was mailed to OWNER and to INTERESTED PARTIES by certified mail,
3 return receipt requested. On December 4, 2007, a Notice of Violation for the substandard structures
4 was mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

5 9. On August 7, 2008, the "Notice to Correct County Ordinance Violations and Abate
6 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
7 7, 2008 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
8 PARTIES and was posted on THE PROPERTY on July 23, 2008.

9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on October 7, 2008 finds and concludes that:

12 1. WHEREAS, the substandard structures (white building with blue trim and brown
13 building with white trim) and accumulation of rubbish on the real property located at 21419 Cajalco
14 Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 318-140-028
15 violates Riverside County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and
16 constitutes a public nuisance.

17 2. WHEREAS, THE OWNER, occupants and any person having possession or control
18 of THE PROPERTY should abate the substandard structures (white building with blue trim and
19 brown building with white trim) by razing, removing and disposing of the substandard structures,
20 including the removal and disposal of all structural debris and materials and contents therein, or by
21 reconstruction and rehabilitation of said structures provided that said reconstruction or demolition
22 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
23 limited to Riverside County Ordinance No. 457 (RCC Title 15) within ninety (90) days.

24 3. WHEREAS, THE OWNER, occupants and any other person having possession or
25 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
26 any remaining rubbish on THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
28 days.

1 be abated by THE OWNER or anyone having possession or control of THE PROPERTY by
2 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside
3 County Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC
4 Chapter 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if any remaining accumulated rubbish is not removed and
6 disposed of in strict accordance with all Riverside County Ordinances, including but not limited to
7 Riverside County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of
8 this Order to Abate Nuisance, the accumulation of rubbish 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 an owner's consent or a Court Order when necessary under applicable
11 law.

12 IT IS FURTHER ORDERED that the Code Enforcement Department is to return to the Board
13 of Supervisors in ninety (90) days for a status update and further approval before the above described
14 abatement of the substandard structures and accumulated rubbish can be executed.

15 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
16 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
17 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
18 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
19 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
20 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
21 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
22 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
23 abatement costs accrued by the Code Enforcement Department will be recoverable from THE

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1 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Roy Wilson
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. Alexandra Fong 10/9/08
L. ALEXANDRA FONG DATE

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