

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

1086



SUBMITTAL DATE:
March 30, 2009

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure];
Case No.: CV 08-07739
Subject Property: 17400 Rodeo Road, Lake Elsinore; APN: 385-190-030
District One

RECOMMENDED MOTION: Move that

- 1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-07739 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 08-07739 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 08-07739.

BACKGROUND:

On March 24, 2009, 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 located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 03/24/09; 9.2 | District: 1 | Agenda Number:

1
2
3
4
5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A.K. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3535 Tenth Street, Suite 300 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT '6103]

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-07739
[SUBSTANDARD STRUCTURE]; APN: 385-190-)
030, 17400 RODEO ROAD, LAKE ELSINORE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ESTATE) CONCLUSIONS AND ORDER TO
OF RITA M. SALES, 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 March 24, 2009, 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 17400 Rodeo Road, Lake Elsinore, Riverside County, APN: 385-190-030, and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager and Hector Viray, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Angela R. Sales, Administrator of the Estate, appeared with her attorney, John M. Minnott, but did not address the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public

1 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
2 Title 15.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the Owner
5 of THE PROPERTY as Estate of Rita M. Sales, ("OWNER").

6 2. Documents of title indicate that another party potentially holds a legal interest in THE
7 PROPERTY, to wit: Farmers and Merchants Trust Company of Long Beach (hereinafter
8 "INTERESTED PARTY").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on September 5,
10 2008, October 15, 2008, March 11, 2009 and March 20, 2009.

11 4. During each inspection, a substandard structure (rough framed dwelling and attached
12 garage) was observed on THE PROPERTY. The structure was described as abandoned, dilapidated
13 and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous
14 wiring, defective or deteriorated flooring and floor supports, members of walls, partitions or other
15 vertical supports that split, lean, list or buckle due to defective material or deterioration; faulty
16 weather protection; general dilapidation or improper maintenance; abandoned; vacant; public and
17 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 October 15, 2008 as Document Number
21 2008-0555422 in the Office of the County Recorder, County of Riverside.

22 7. On September 5, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not
23 Enter" sign were posted on THE PROPERTY. On September 15, 2008, Notice of Violation and
24 Notice of Defects were mailed by certified mail, return receipt requested to the OWNER and
25 INTERESTED PARTY.

26 8. On March 5, 2009, a "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
28 by certified mail, return receipt requested, to the OWNER and INTERESTED PARTY and posted on

1 THE PROPERTY on March 11, 2009

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on March 24, 2009 finds and concludes that:

5 1. WHEREAS, the substandard structure (rough framed dwelling and attached garage)
6 on the real property located at 17400 Rodeo Road, Lake Elsinore, Riverside County, California, also
7 identified as Assessor's Parcel Number 385-190-030 violates Riverside County Ordinance No. 457
8 and constitutes a public nuisance and attractive nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the substandard structure (rough framed dwelling and
22 attached garage) on THE PROPERTY located at 17400 Rodeo Road, Lake Elsinore, Riverside
23 County, California, also identified as Assessor's Parcel Number 385-190-030 be abated by the
24 OWNER, and anyone having possession or control of THE PROPERTY, by razing and removing the
25 substandard structure including the removal and disposal of all structural debris and materials, as well
26 as the contents therein, or by reconstruction of said structure provided such reconstruction can be
27 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
28 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order

1 to Abate Nuisance.

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

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

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
20 means "any costs or expenses reasonably related to the abatement of conditions which violate County
21 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
22 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
23 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

24 ///

25 ///

26 ///

27 ///

28 ///

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

3 Dated: _____

COUNTY OF RIVERSIDE

4

5 By _____

Jeff Stone
Chairman, Board of Supervisors

6

7

ATTEST:

8

NANCY ROMERO

9

Clerk to the Board

10

11

By

12

Deputy

13

(SEAL)

14

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi DATE 3/25/09
JULIE A. KOONS JARVI DATE

15

16

17

18

19

20

21

22

23

24

25

26

27

28