

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

106B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 30, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 07-9865 and CV 07-9867
Subject Property: 27120 Highway 74, Perris
APN: 349-342-019
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-9865 and CV 07-9867 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 07-9865 and CV 07-9867; 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 07-9865 and CV 07-9867

(Continued)

[Signature]

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

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 03/2409; 9.4 | District: 5 | Agenda Number:

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case Nos.: CV 07-9865 and CV 07-9867

Subject Property: 27120 Highway 74, Perris

APN: 349-342-019

District Five

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 five substandard structures and accumulation of rubbish 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, 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 07-9865 and
[SUBSTANDARD STRUCTURES AND)	CV 07-9867
ACCUMULATION OF RUBBISH]; APN 349-342-)	
019, 27120 HIGHWAY 74, PERRIS, RIVERSIDE)	FINDINGS OF FACT,
COUNTY, CALIFORNIA; MARTHA LOUISE)	CONCLUSIONS AND ORDER TO
PHILLIPS, 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 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 27120 Highway 74, Perris, Assessor's Parcel Number 349-342-019 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager and Hector Viray, Supervising Code Enforcement Officer, 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 five substandard structures and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code

1 Title 15) and 541 (Riverside County 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 Martha Louise Phillips ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: First National Bank and Trust Company and Best, Best and Krieger
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on November 27,
9 2007, April 21, 2008, May 8, 2008, May 19, 2008, August 26, 2008, January 15, 2009, March 6,
10 2009 and March 21, 2009.

11 4. During each inspection, five substandard structures were observed on THE
12 PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
13 structures contained numerous deficiencies, including but not limited to: lack of improper water
14 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
15 fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate
16 heating facilities; members of walls, partitions, or other vertical supports that split, lean, list or
17 buckle due to defective material or deterioration; members of ceiling, roofs, ceiling and roof supports
18 or other horizontal members which sag, split or buckle due to defective material or deterioration;
19 dampness of habitable rooms; faulty weather protection; general dilapidation or improper
20 maintenance; fire hazard; public and attractive nuisance.

21 5. During each inspection an accumulation of rubbish was observed throughout THE
22 PROPERTY consisting of but not limited to: discarded furniture, tiles, trash cans, bottles, cans,
23 hoses, a wrecked camper shell, a wrecked boat, tires, scrap wood, scrap metal, rubble, metal barrels,
24 plastic, scrap carpet, old water heaters, cardboard, trash, green waste, discarded clothes and garage
25 doors.

26 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
27 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

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1 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
2 abated by OWNER or anyone having possession or control of THE PROPERTY by removing and
3 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
5 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
7 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
8 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order
9 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
10 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
11 receipt of an owner's consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
16 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY *Julie A. Koons/Arvi* 3/25/09
JULIE A. KOONS/ARVI DATE