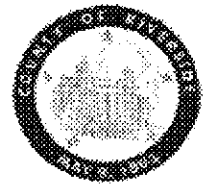


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

519B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
April 27, 2009

**SUBJECT:** Order to Abate [Substandard Structure and Excess Outside Storage]  
Case Nos.: CV 08-00734 and CV 07-9005  
Subject Property: 26148 Cortrite Ave., Hemet  
APN: 458-050-013  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-00734 and CV 07-9005 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 08-00734 and CV 07-9005; 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 08-00734 and CV 07-9005.

*Elena M. Boeva*

ELENA M. BOEVA, Deputy County Counsel  
for PAMELA J. WALLS, Interim County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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

Policy  Policy

Consent  Consent

X

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

Prev. Agn. Ref.: 04/21/09; 9.3 | District: 5 | Agenda Number:

Order to Abate [Substandard Structure and Excess Outside Storage]

Case No.: CV 08-00734 and CV 07-9005

Subject Property: 26148 Cortrite Ave., Hemet

APN: 458-050-013

District Five

**BACKGROUND:**

On April 21, 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 (shed) and excess outside storage 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 08-00734 and
[SUBSTANDARD STRUCTURE AND EXCESS	)	CV 07-9005
OUTSIDE STORAGE]; APN 458-050-013, 26148	)	
CORTRITE AVENUE, HEMET, RIVERSIDE	)	FINDINGS OF FACT,
COUNTY, CALIFORNIA; JAN SVARC,	)	CONCLUSIONS AND ORDER TO
OWNER.	)	ABATE NUISANCE
	)	
	)	[R.C.O. Nos. 457 (RCC Title 15), 348
	)	(RCC Title 17) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on April 21, 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 26148 Cortrite Avenue, Hemet, Assessor's Parcel Number 458-050-013 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with 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 substandard structure and excess outside storage on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 348 (Riverside County Code Title 17), and as a public nuisance.

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder's Office identify the owner  
3 of THE PROPERTY as Jan Svarc ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to-wit: Bank of America ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on November 16,  
7 2007, January 23, 2008, February 27, 2008, June 26, 2008, September 23, 2008, December 5, 2008,  
8 March 31, 2009 and April 17, 2009.

9 4. During each inspection, a substandard structure (shed) was observed on THE  
10 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure  
11 contained numerous deficiencies, including but not limited to: deteriorated or inadequate foundation;  
12 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or  
13 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or  
14 improper maintenance; attractive and public nuisance.

15 5. During each inspection excess outside storage was observed on THE PROPERTY  
16 consisting of but not limited to: a pile of asphalt, pile of broken concrete, large ice chest, corner  
17 shelving, plastic containers, buckets, microwave, toaster oven, metal shed, chicken coops and other  
18 miscellaneous items.

19 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 No. 457 (RCC Title 15) and 348 (RCC Title 17) by the Code Enforcement Officer.

21 7. A Notice of Noncompliance was recorded on February 8, 2008, as Document Number  
22 2008-0065610 in the Office of the County Recorder, County of Riverside.

23 8. On January 23, 2008, Notices of Violation and Danger Do Not Enter signs were  
24 posted on THE PROPERTY. On January 30, 2008, Notices of Violation and Notice of Defects were  
25 mailed to OWNER and on April 4, 2008 were mailed to INTERESTED PARTY by certified mail,  
26 return receipt requested.

27 9. On March 30, 2009, a "Notice to Abate Nuisance" providing notice of the public  
28 hearing before the Board of Supervisors on April 21, 2009 was mailed by certified mail, return

1 receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on  
2 March 31, 2009.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
5 regular session assembled on April 21, 2009 finds and concludes that:

6 1. WHEREAS, the substandard structure (shed) and excess outside storage on the real  
7 property located at 26148 Cortrite Avenue, Hemet, Riverside County, California, also identified as  
8 Assessor's Parcel Number 458-050-013 violates Riverside County Ordinance Nos. 457 (RCC  
9 Chapter 15.12) and 348 (RCC Title 17) and constitutes a public nuisance.

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

17 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
18 control of THE PROPERTY should abate the condition by removing and disposing of the excess  
19 outside storage of materials from the subject real property in accordance with all Riverside County  
20 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)  
21 days.

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the substandard structure (shed) on THE PROPERTY

1 be abated by the OWNER, specifically Jan Svarc or anyone having possession or control of THE  
2 PROPERTY, by razing and removing the substandard structure including the removal and disposal  
3 of all structural debris and materials, as well as the contents therein, or by reconstruction and  
4 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished  
5 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
6 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
7 Nuisance.

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

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

22 IT IS FURTHER ORDERED that the excess outside storage of materials on THE  
23 PROPERTY be abated by the OWNER or anyone having possession or control of THE PROPERTY,  
24 by removing and disposing of the outside excess storage of materials from the subject real property  
25 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
26 County Ordinance No. 348 within ninety (90) days of the date of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
28 accordance with all Riverside County Ordinances, including but not limited to Riverside County

1 Ordinance Nos. 348 within ninety (90) days of the date of this Order to Abate Nuisance, the excess  
2 storage of materials shall be abated by representatives of the Riverside County Code Enforcement  
3 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court  
4 Order when necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
8 County Ordinance Nos. 457 (RCC Chapter 15.12), 348 (RCC Title 17), and 725 (RCC Chapter  
9 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
10 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
11 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
12 attorneys fees, and the costs associated with the removal or correction of the  
13 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
14 recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety  
15 (90) days of the date of this Order to Abate Nuisance.

16  
17 Dated: \_\_\_\_\_ COUNTY OF RIVERSIDE  
18  
19 By \_\_\_\_\_  
20 Jeff Stone  
21 Chairman, Board of Supervisors

22 ATTEST:  
23 KECIA HARPER-IHEM  
24 Clerk to the Board  
25  
26 By \_\_\_\_\_  
27 Deputy  
28 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: *Elena M. Boeva* 4-23-09  
DATE  
ELENA M. BOEVA