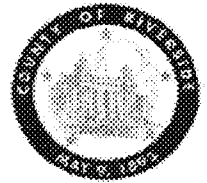


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

824B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 22, 2009

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]; (SMITH)
Case Nos: CV 08-01676 and CV 08-01678
Subject Property: 31764 Wakefield Avenue, Homeland
APN: 459-172-015
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-01676 and CV 08-01678 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 08-01676 and CV 08-01678; 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 08-01676 and CV 08-01678

L. Alexandra Fong

L. ALEXANDRA FONG, 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: N/A	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

- Dep't Policy
- Consent
- X
- Per Exec. Ofc. Policy
- Consent

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

Prev. Agn. Ref.: 05/19/09; 9.3 | District: 5 | Agenda Number:

2.8

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 08-01676 and CV 08-01678

Subject Property: 31764 Wakefield Avenue, Homeland

APN: 459-172-015

District Five

BACKGROUND:

On May 19, 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 (detached 2-car garage) 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:) [SUBSTANDARD STRUCTURE AND) ACCUMULATION OF RUBBISH]; APN 459-172-) 015, 31764 WAKEFIELD AVENUE,) HOMELAND, RIVERSIDE COUNTY,) CALIFORNIA; DONALD SMITH, OWNER.)	CASE NOS. CV 08-01676 and) CV 08-01678) FINDINGS OF FACT,) CONCLUSIONS AND ORDER TO) ABATE NUISANCE) [R.C.O. Nos. 457 (RCC Title 15), 541) (RCC Title 8) and 725 (RCC Title 1)])
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The above-captioned matter came on regularly for hearing on May 19, 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 31764 Wakefield Avenue, Homeland, Riverside County, Assessor's Parcel Number 459-172-015 and referred to hereinafter as "THE PROPERTY."

L. Alexandra Fong, Deputy County Counsel, appeared along with Kenneth King, Senior 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 accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Howard Ward Adams, Merry Sue Adams, Roderick DeWayne Brimhall and
6 Karen Sandra Brimhall ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on February 25,
8 2008, June 12, 2008, June 30, 2008, September 11, 2008, November 26, 2008, March 11, 2009,
9 April 15, 2009 and May 18, 2009.

10 4. During each inspection a substandard structure (detached 2-car garage) was observed
11 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
12 structure contained numerous deficiencies, including but not limited to: members of ceilings, roofs,
13 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective
14 material or deterioration; faulty weather protection; general dilapidation or improper maintenance;
15 attractive and public nuisance.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: miscellaneous boxes, plastic, a propane tank, furniture,
18 cooler, used and discarded items and green waste.

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

21 7. A Notice of Noncompliance was recorded on April 18, 2008, as Document Number
22 2008-0193542 in the Office of the County Recorder, County of Riverside.

23 8. On February 25, 2008, Notices of Violation and Danger Do Not Enter signs were
24 posted on THE PROPERTY. On April 4, 2008, April 7, 2008, May 13, 2008, July 15, 2008, July 22,
25 2008 and October 27, 2008, Notices of Violation for the substandard structure and accumulation of
26 rubbish were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt
27 requested.

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1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structure (detached 2-car garage) on
3 THE PROPERTY be abated by the OWNER, specifically Donald Smith, or anyone having
4 possession or control of THE PROPERTY, by razing and removing the substandard structure
5 including the removal and disposal of all structural debris and materials, as well as the contents
6 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
7 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
8 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
9 posting and mailing of this Order to Abate Nuisance.

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
28 within ninety (90) days of the date of this Order to Abate Nuisance.

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong* 5/20/09 DATE
L. ALEXANDRA FONG