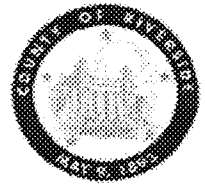


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

803 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 21, 2009

SUBJECT: Order to Abate [Substandard Structure];
Case No.: CV 08-03112
Subject Property: 21510 Eucalyptus Avenue, Perris; APN 325-060-002
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03112 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 08-03112; 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 08-03112.

Departmental Concurrence

BACKGROUND:

On June 23, 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 AK 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

County Executive Office Signature

Policy Policy

Consent Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 5

Agenda Number:

2.27

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

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

[EXEMPT '6103]

8
9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-03112
12 [SUBSTANDARD STRUCTURE]; APN: 325-060-)
002, 21510 EUCALYPTUS AVENUE, PERRIS,)
13 RIVERSIDE COUNTY, CALIFORNIA; HARRY) FINDINGS OF FACT,
C. BENSON, OWNER.) CONCLUSIONS AND ORDER TO
14) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 23, 2009, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 21510 Eucalyptus Avenue, Perris, Riverside County, APN: 325-060-002, and referred to
20 hereinafter as "THE PROPERTY."

21 Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Senior Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of the Owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
27 Title 15.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner
3 of THE PROPERTY as Harry C. Benson ("OWNER").

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 24, 2008,
7 July 28, 2008, October 10, 2008, April 16, 2009, May 7, 2009, and June 19, 2009.

8 4. During each inspection, a substandard structure (single family dwelling) was observed
9 on THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The
10 structure contained numerous deficiencies, including but not limited to: lack of required electrical
11 lighting members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag,
12 split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
13 protection; general dilapidation or improper maintenance; public and attractive nuisance –
14 abandoned/vacant.

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
16 No. 457 (RCC Title 15) by the Code Enforcement Officer.

17 6. A Notice of Noncompliance was recorded on June 11, 2008 as Document Number
18 2008-0319770 in the Office of the County Recorder, County of Riverside.

19 7. On April 24, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not
20 Enter" sign were posted on THE PROPERTY. On May 27, 2008, a Notice of Violation and Notice
21 of Defects were mailed to the OWNER via certified mail, return receipt requested.

22 8. On May 1, 2009, a "Notice To Correct County Ordinance Violations and Abate Public
23 Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by
24 certified mail, return receipt requested, to THE OWNER and posted on THE PROPERTY on May 7,
25 2009.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on June 23, 2009, finds and concludes that:

1 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
2 Order, where necessary, under, applicable law authorizing entry onto THE PROPERTY.

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

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
13 means "any costs or expenses reasonably related to the abatement of conditions which violate County
14 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
15 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
16 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
17 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
18 ninety (90) days of the date of this Order to Abate Nuisance.

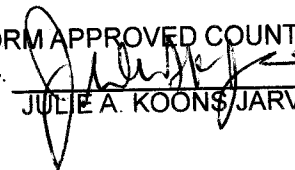
19 Dated: _____

COUNTY OF RIVERSIDE

21 By _____
22 Jeff Stone
23 Chairman, Board of Supervisors

24 ATTEST:
25 KECIA HARPER-IHEM
26 Clerk to the Board

27 By _____
28 Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  DATE 7/20/09
JULIE A. KOONS/JARVI