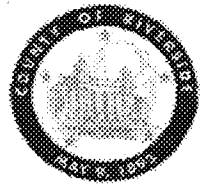


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCTOBER 7, 2009

SUBJECT: Order to Abate [Substandard Structures; Excess Outside Storage and Accumulation of Rubbish]; (LAMB)

Case Nos.: CV 07-10665 & CV 08-07682
Subject Property: 27640 Smith Road, Hemet
APN: 465-280-017

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-10665 & CV 08-07682 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 07-10665 & CV 08-07682; 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 07-10665 & CV 08-07682.

[Signature]

JULIE A. JARVIS, 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
- Consent
- Policy
- Consent

Dept Recomm.:
Per Exec. Ofc.:

Order to Abate [Substandard Structures, Excess Outside Storage and Accumulation of Rubbish]

Case Nos.: CV 07-10665 & CV 08-07682

Subject Property: 27640 Smith Road, Hemet

APN: 465-280-017

District Three

BACKGROUND:

On September 29, 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 structures (single story structures), excess outside storage and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

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. 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 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 07-10665 and
[SUBSTANDARD STRUCTURES, EXCESSIVE) CV 08-07682
12 OUTSIDE STORAGE AND ACCUMULATION)
OF RUBBISH]; APN 465-280-017, 27640 SMITH) FINDINGS OF FACT, CONCLUSIONS
13 ROAD, HEMET, RIVERSIDE COUNTY,) AND ORDER TO ABATE NUISANCE
CALIFORNIA; LARRY L. LAMB AND JENELL)
14 LAMB, OWNERS.) [R.C.O. Nos. 348 (RCC Title 17), 457
(Title 15), 541 (RCC Title 8) and 725
15 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on September 29, 2009, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described 27640 Smith Road, Hemet, Assessor's Parcel Number 465-280-017 and referred
20 to hereinafter as "THE PROPERTY."

21 Julie A. Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners Larry L. Lamb and Jenell Lamb, appeared and Jenell Lamb addressed the Board of
24 Supervisors during the public hearing

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures, excessive storage of materials and
27 accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348
28 (Riverside County Code Chapter 17.156), 457 (Riverside County Code Chapter 15.16 and 541

1 (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 Owners
4 of THE PROPERTY as Larry L. Lamb and Jenell Lamb (hereinafter referred to as "OWNERS").

5 2. Documents of title indicate that no other parties potentially hold a legal interest in
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 21, 2008,
8 August 30, 2008, January 27, 2009, March 11, 2009, May 20, 2009, July 15, 2009 and September
9 28, 2009.

10 4. During each inspection, substandard structures (single story structures) were observed
11 on THE PROPERTY. The structures contained numerous deficiencies including but not limited to:
12 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective
13 material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal
14 members which sag, split, or buckle due to defective material or deterioration; faulty weather
15 protection; general dilapidation or improper maintenance; extensive fire damage; abandoned, vacant,
16 public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish and excess outside storage was
18 also observed throughout THE PROPERTY consisting of but not limited to: metal, wood boards, old
19 windows, pallets of bricks and miscellaneous items. The excess outside storage of materials and
20 accumulation of rubbish was determined to be approximately five thousand five hundred twelve
21 (5,512) square feet.

22 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 348 (RCC Chapter 17.156), 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) by the
24 Code Enforcement Officer.

25 7. A Notice of Noncompliance for the accumulation of rubbish and excess outside
26 storage of materials was recorded on January 12, 2009 as Document Number 2009-0014538 in the
27 Office of the County Recorder, County of Riverside. A Notice of Noncompliance for the substandard
28 structures was recorded on February 11, 2009 as Document Number 2009-0066500 in the Office of

1 the County Recorder, County of Riverside.

2 8. On August 21 and 30, 2008, Notices of Violation were posted on THE PROPERTY.
3 On September 2, 2008 and October 6, 2008, Notices of Violation were mailed to OWNERS by
4 certified mail, return receipt requested

5 9. On July 14, 2009, a "Notice to Correct County Ordinance Violations and Abate Public
6 Nuisance" providing notice of the public hearing before the Board of Supervisors on September 29,
7 2009 was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE
8 PROPERTY on July 15 2009.

9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on September 29, 2009, finds and concludes that:

12 1. WHEREAS, the substandard structures (single story structures), excessive outside
13 storage of materials and accumulation of rubbish on the real property located at 27640 Smith Road,
14 Hemet, Riverside County, California, also identified as Assessor's Parcel Number 465-280-017
15 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.156), 457 (RCC Title 15), and 541
16 (RCC Chapter 8.120) and constitutes a public nuisance.

17 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
18 of THE PROPERTY should abate the substandard structures condition by razing, removing and
19 disposing of the substandard structures (single story structures), including the removal and disposal of
20 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
21 structures provided that said reconstruction or demolition can be accomplished in strict accordance
22 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
23 457 within ninety (90) days.

24 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
25 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage
26 by removing all rubbish and excess outside storage on THE PROPOERTY in strict accordance with
27 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
28 and 541 within ninety (90) days.

1 IT IS FURTHER ORDERED that the excess outside storage of materials and accumulation of
2 rubbish on THE PROPERTY be abated by the OWNERS, specifically Larry L. Lamb and Jenell
3 Lamb or anyone having possession or control of THE PROPERTY, by removing and disposing of the
4 outside excess storage of materials and accumulation of rubbish and excess outside storage from the
5 subject real property in strict accordance with all Riverside County Ordinances, including but not
6 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter
7 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
9 accordance with all Riverside County Ordinances, including but not limited to Riverside County
10 Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90) days of
11 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
12 rubbish and excess outside storage shall be abated by representatives of the Riverside County Code
13 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
14 consent or a Court Order when necessary under applicable law.

15 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
16 for hearing, shall be imposed as a lien on the property, which may be collected as a special assessment
17 against the property pursuant to Government Code section 25845 and Riverside County Ordinance
18 Nos. 348 (RCC Chapter 17.156), 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725
19 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any
20 costs or expenses reasonably related to the abatement of conditions which violate County Land Use
21 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
22 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

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1 recoverable from the property owner(s) 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

E

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 10/14/09
JULIE A. KOPINS JARVI