

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

8078



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 29, 2009

SUBJECT: Order to Abate [Substandard Structure]; (583 BUCK DRIVE, LLC)
Case No.: CV 08-07672
Subject Property: 69025 Buck Drive, Mountain Center; APN 636-154-003
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-07672 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 08-07672 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 08-07672.

BACKGROUND:

On October 6, 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 Jarvi

JULIE 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*

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

2.15

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 Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (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 08-07672
12 [SUBSTANDARD STRUCTURE]; APN: 636-154-))
003, 69025 BUCK DRIVE, MOUNTAIN) FINDINGS OF FACT,
13 CENTER, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 583 BUCK DRIVE, LLC, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 457 (RCC Title 15) and
15) 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on October 6, 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 as 69025 Buck Drive, Mountain Center, Riverside County, APN: 636-154-003,
20 and referred to hereinafter as "THE PROPERTY."

21 Julie 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 Owner appeared but did not address the Board of Supervisors.

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

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the Owner
3 of THE PROPERTY as 583 Buck Drive, LLC (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Foreclosure Resources, Inc. and Alan B. Kaitz, et al. (hereinafter
6 “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 29, 2008,
8 October 27, 2008, February 6, 2009, July 30, 2009 and October 5, 2009.

9 4. During each inspection, a substandard structure (dwelling with attached garage and
10 patio) was observed on THE PROPERTY. The structure was described as an abandoned dwelling
11 under construction. The structure contained numerous deficiencies, including but not limited to: lack
12 of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running
13 water to plumbing fixtures; lack of required electrical lighting; lack of adequate heating facilities;
14 defective or deteriorated flooring or floor supports; members of ceiling, roofs, ceiling and roof
15 supports or other horizontal members which sag, split or buckle due to defective materials or
16 deterioration; dampness of habitable rooms; faulty weather protection; deteriorated or ineffective
17 weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or
18 other approved wall covering; general dilapidation or improper maintenance; fire hazard and public
19 and attractive nuisance – abandoned/vacant.

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

22 6. A Notice of Noncompliance was recorded on November 13, 2008 as Document
23 Number 2008-0603061 in the Office of the County Recorder, County of Riverside.

24 7. August 29, 2008, a Notice of Violation, Notice of Defects and “Danger Do Not Enter”
25 sign were posted on THE PROPERTY. On January 7, 2009, Notice of Violation and Notice of
26 Defects were mailed by certified mail, return receipt requested to the OWNER and INTERESTED
27 PARTIES.

28 8. On July 28, 2009, a “Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors was mailed
2 by certified mail, return receipt requested, to THE OWNER and INTERESTED PARTIES and
3 posted on THE PROPERTY on July 30, 2009.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on October 6, 2009 finds and concludes that:

7 1. WHEREAS, the substandard structure on the real property located at 69025 Buck
8 Drive, Mountain Center, Riverside County, California, also identified as Assessor's Parcel Number
9 636-154-003 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and
10 attractive nuisance.

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

17 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
18 FURTHER NOTICED that the time within which judicial review of the administrative
19 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
20 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
21 Civil Procedure Section 1094.6.

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
24 at 69025 Buck Drive, Mountain Center, Riverside County, California, also identified as Assessor's
25 Parcel Number 636-154-003 be abated by the OWNER, and anyone having possession or control of
26 THE PROPERTY, by razing and removing the substandard structure including the removal and
27 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction of
28 said structure provided such reconstruction can be accomplished in strict accordance with all

1 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
2 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
20 means "any costs or expenses reasonably related to the abatement of conditions which violate County
21 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
22 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
23 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

24 ///

25 ///

26 ///

27 ///

28 ///

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

3 Dated: _____ COUNTY OF RIVERSIDE

4
5 By _____
6 Jeff Stone
7 Chairman, Board of Supervisors

8 ATTEST:
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
KECIA HARPER-IHEM
Clerk to the Board

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE: 10 Dec 10 05
JULIE A. KOONS JARVI

By
Deputy
(SEAL)