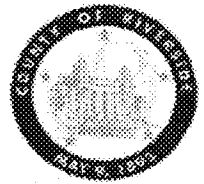


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

101 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 20, 2009

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 07-4034 and CV 07-4576 (PREWITT)
Subject Property: 219254 Wine Lane, Nuevo
APN: 307-180-019
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-4034 and CV 07-4576 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 07-4034 and CV 07-4576 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 07-4034 and CV 07-4576.

(Continued)

[Signature]

JULIE JARVI, Deputy County Counsel
for EAMELA 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

County Executive Office Signature BY: *[Signature]*
Tina Grande

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 11/03/09; 9.6 | District: 5 | Agenda Number:

2.4

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 07-4034 and
12 [SUBSTANDARD STRUCTURE AND) CV 07-4576
ACCUMULATION OF RUBBISH]; APN 307-180-)
13 019, 21925 WINE LANE, NUEVO, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; ROBERT W.) CONCLUSIONS AND ORDER TO
14 PREWITT, SR., AND MARCIE L. PREWITT,) ABATE NUISANCE
OWNERS.)
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on November 3, 2009, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 21925 Wine Lane, Nuevo, Assessor's Parcel Number 307-180-019 and referred to
21 hereinafter as "THE PROPERTY."

22 Jonathan Holub, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of the owners.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 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 owners
3 of THE PROPERTY as Robert W. Prewitt, Sr., and Marcie L. Prewitt ("OWNERS").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 11, 2007,
7 August 2, 2007, September 4, 2007, September 11, 2007, November 13, 2007, October 17, 2008,
8 January 5, 2009, May 26, 2009 and September 24, 2009.

9 4. During each inspection, substandard structures (main dwelling and storage shed) were
10 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
11 vacant. The structures contained numerous deficiencies, including but not limited to: members of
12 ceiling, roofs, ceiling and roof supports that sag, split, or buckle due to defective material or
13 deterioration; lack of required electrical lighting, hazardous wiring, dampness of habitable rooms;
14 faulty weather protection; general dilapidation; public and attractive nuisance.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: furniture, household items, a spa, tires, wood and
17 general debris.

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

20 7. Notices of Noncompliance for the accumulation of rubbish were recorded on August
21 30, 2007, as Document Numbers 2007-0557600 and 2007-0557605 in the Office of the County
22 Recorder, County of Riverside.

23 8. On June 11, 2007, November 13, 2007 and October 17, 2008, a Notice of Violation,
24 Notice of Defects and Danger Do Not Enter signs were posted on THE PROPERTY. On June 29,
25 2007, December 12, 2007, October 21, 2008, and November 26, 2008, a Notice of Violation and
26 Notice of Defects were mailed by certified mail, return receipt requested to OWNERS.

27 9. On September 21, 2009, a "Notice to Abate Nuisance" providing notice of the public
28 hearing before the Board of Supervisors on November 3, 2009 was mailed by certified mail, return

1 receipt requested, to OWNERS and was posted on THE PROPERTY on September 24, 2009.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on November 3, 2009 finds and concludes that:

5 1. WHEREAS, the substandard structures (main dwelling and storage shed) and
6 accumulation of rubbish on the real property located at 21925 Wine Lane, Nuevo, Riverside County,
7 California, also identified as Assessor's Parcel Number 307-180-019 violates Riverside County
8 Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

16 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
17 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
18 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
19 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structures (main dwelling and storage
26 shed) on THE PROPERTY be abated by the OWNERS, specifically Robert W. Prewitt, Sr., and
27 Marcie L. Prewitt or anyone having possession or control of THE PROPERTY, by razing and
28 removing the substandard structures including the removal and disposal of all structural debris and

1 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
2 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
3 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
4 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and
21 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
23 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order
27 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
28 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons ARVI 11/16/09
DATE

1 receipt of an owner's consent or a Court Order when necessary under applicable law.
2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
6 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
7 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
8 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
9 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
10 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
11 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order
12 to Abate Nuisance.

14 Dated: _____

COUNTY OF RIVERSIDE

16 By _____
17 Jeff Stone
18 Chairman, Board of Supervisors

18 ATTEST:
19 KECIA HARPER-IHEM
20 Clerk to the Board

22 By _____
23 Deputy
24 (SEAL)
25

28

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 07-4034 and CV 07-4576

Subject Property: 21925 Wine Lane, Nuevo

APN: 307-180-019

District Five

BACKGROUND:

On November 3, 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 (main dwelling and storage shed) 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.