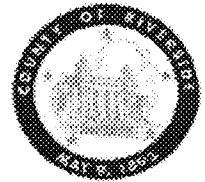


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

408B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 14, 2009

SUBJECT: Order to Abate [Substandard Structure and Grading Without a Permit] (23836, LLC)
Case Nos.: CV 08-03061 & CV 08-05715
Subject Property: 23836 Highway 74, Perris; APN 326-250-043
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03061 & CV 08-05715 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 08-03061 & CV 08-05715 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 08-03061 & CV 08-05715.

BACKGROUND:

On December 1, 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 and unapproved grading 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.

[Signature]

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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 12/01/09; 9.10 | District: 5 | Agenda Number:

2.6

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:)
12 [SUBSTANDARD STRUCTURE AND) CASE NOS. CV 08-03061 &
UNAPPROVED GRADING]; APN: 326-250-043,) CV 08-05715
13 23836 HIGHWAY 74, PERRIS, RIVERSIDE)
COUNTY, CALIFORNIA; 23836, LLC, OWNER.) FINDINGS OF FACT,
14) CONCLUSIONS AND ORDER TO
ABATE NUISANCE
15)
16) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on December 1, 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 as 23836 Highway 74, Perris, Riverside County, APN: 326-250-043, and referred
21 to hereinafter as "THE PROPERTY."

22 Julie Jarvi, 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 owner.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner
3 of THE PROPERTY as 23836, LLC ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Jesus Barajas and Maria Barajas (hereinafter "INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 3, 2008,
7 May 8, 2008, June 30, 2008, July 2, 2008, September 30, 2008, November 20, 2008, January 16,
8 2009, July 14, 2009 and November 24, 2009.

9 4. During each inspection, a substandard structure (dwelling) and a large stockpile of dirt
10 was observed on THE PROPERTY. The structure was described as abandoned, dilapidated and
11 vacant. The structure contained numerous deficiencies, including but not limited to: exposed water
12 heater, exposed wiring; deteriorated foundation; broken flooring; general dilapidation or improper
13 maintenance; open and vacant and the amount of stockpiled dirt measured eight thousand eight
14 hundred and eighty eight (8,888) cubic yards.

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 for the unapproved grading was recorded on July 30,
18 2008 as Document Number 2008-0416920. A Notice of Non-Compliance for the substandard
19 structure was recorded on December 26, 2008 as Instrument Number 2008-0671650 in the Office of
20 the County Recorder, County of Riverside.

21 7. On May 8, 2008, a Notice of Violation for the substandard structure, Notice of
22 Defects and "Danger Do Not Enter" sign were posted on THE PROPERTY. On June 18, 2008, a
23 Notice of Violation and Notice of Defects were mailed by certified mail, return receipt requested to
24 the OWNER. On June 30, 2008, a Notice of Violation for the unapproved grading/stockpiled dirt was
25 posted on THE PROPERTY. On July 21, 2008, a Notice of Violation for Unapproved Grading with
26 an Illegal Grading Notification was mailed to OWNER by certified mail, return receipt requested. On
27 February 11, 2009, a Notice of Violation and Illegal Grading Notification was mailed to OWNER and
28 INTERESTED PARTIES by certified mail, return receipt requested.

1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structure and unapproved grading on
4 THE PROPERTY located at 23836 Highway 74, Perris, Riverside County, California, also identified
5 as Assessor's Parcel Number 326-250-043 be abated by OWNER, and anyone having possession or
6 control of THE PROPERTY, by razing and removing the substandard structure including the removal
7 and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
8 of said structure and restoring THE PROPERTY to the satisfaction of the Department of Building
9 and Safety so as to prevent offsite drainage and slope erosion provided that said reconstruction or
10 demolition can be accomplished in strict accordance with all Riverside County Ordinances, including
11 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
12 mailing of this Order to Abate Nuisance.

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

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

28 ///

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

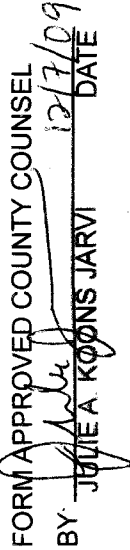
11 Dated: _____

COUNTY OF RIVERSIDE

12
13 By _____
14 Jeff Stone
15 Chairman, Board of Supervisors

16 ATTEST:
17 KECIA HARPER-IHEM
18 Clerk to the Board

19 By _____
20 Deputy
21 (SEAL)
22
23
24
25
26
27
28

FORM APPROVED COUNTY COUNSEL
BY:  12/7/09
DATE
JULIE A. KOONS JARVI