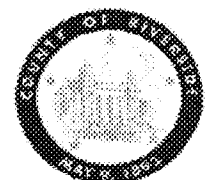


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

713B



**SUBMITTAL DATE:**  
January 13, 2010

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Substandard Structures]  
Case No.: CV 05-6520 (SPRIGGS)  
Subject Property: 45701 Terwilliger, Anza; APN 579-270-024  
District Three

**RECOMMENDED MOTION:** Move that

Departmental Concurrence

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-6520 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 05-6520 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 05-6520.

**BACKGROUND:**

On December 15, 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, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
Alex Gann  
**County Executive Office Signature**

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

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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 05-6520  
12 [SUBSTANDARD STRUCTURES; APN: 579- )  
270-024, 45701 TERWILLIGER, ANZA, )  
13 RIVERSIDE COUNTY, CALIFORNIA; BILLIE ) FINDINGS OF FACT,  
FRANKLIN SPRIGGS, GERALDINE A. ) CONCLUSIONS AND ORDER TO  
14 SPRIGGS AND MARTHA P. VILLA, OWNERS. ) 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 December 15, 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 45701 Terwilliger, Anza, Riverside County, APN: 579-270-024, and referred to  
20 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 No one appeared on behalf of owners.

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.

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**SUMMARY OF EVIDENCE**

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1. Documents of record in the Riverside County Recorder's Office identify the Owners of THE PROPERTY as Billie Franklin Spriggs, Geraldine A. Spriggs and Martha P. Villa ("OWNERS").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to wit: NCO Financial Systems, Inc. and Citrus Point-Terrace Grove HOA (hereinafter "INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on December 14, 2005, January 31, 2008, July 11, 2008, August 13, 2008, December 29, 2008, June 9, 2009, September 9, 2009 and December 9, 2009.

4. During each inspection, substandard structures (2 single family dwellings and a detached carport) were observed on THE PROPERTY. The structures were described as abandoned, dilapidated and vacant. The structure contained numerous deficiencies including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance; abandoned/vacant; construction without a permit.

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

6. A Notice of Noncompliance was recorded on April 27, 2006 as Document Number 2006-0306477 in the Office of the County Recorder, County of Riverside.

7. On December 21, 2005 and January 31, 2008, Notices of Violation, Notices of Defects and "Danger Do Not Enter" signs were posted on THE PROPERTY. On April 25, 2006 and May 1, 2009, Notices of Violation and Notice of Defects were mailed by certified mail, return receipt

1 requested to the OWNERS and INTERESTED PARTIES.

2 8. On September 8, 2009, a "Notice To Correct County Ordinance Violations and Abate  
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
4 by certified mail, return receipt requested, to THE OWNERS and INTERESTED PARTIES and was  
5 posted on THE PROPERTY on September 9, 2009.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
8 regular session assembled on December 15, 2009 finds and concludes that:

9 1. WHEREAS, the substandard structure on the real property located at 45701  
10 Terwilliger, Anza, Riverside County, California, also identified as Assessor's Parcel Number 579-270-  
11 024 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive  
12 nuisance.

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located  
26 at 45701 Terwilliger, Anza, Riverside County, California, also identified as Assessor's Parcel Number  
27 579-270-024 be abated by the OWNERS, and anyone having possession or control of THE  
28 PROPERTY, by razing and removing the substandard structure including the removal and disposal of

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

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

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

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

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1 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
2 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
3 ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

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12 By

13 Deputy

14 (SEAL)

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FORM APPROVED COUNTY COUNSEL  
BY *[Signature]* 11/11/10 DATE  
JULIE A. KOONS JARVI