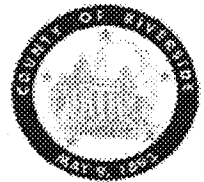


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

719B



SUBMITTAL DATE:
January 13, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 08-03972 (MILTON)
Subject Property: 22079 Louise Street, Perris; APN 342-110-002
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03972 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 08-03972 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 08-03972.

BACKGROUND:

On December 8, 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.

[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: *Alex Gann*
County Executive Office Signature Alex Gann

Policy

Consent

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

Prev. Agn. Ref.: 12/08/09; 9.5 | District: 5 | Agenda Number:

2.21

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

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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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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-03972
12 [SUBSTANDARD STRUCTURE]; APN: 342-110-)
002, 22079 LOUISE STREET, PERRIS,)
13 RIVERSIDE COUNTY, CALIFORNIA; ANNA J.) FINDINGS OF FACT,
MILTON, MARY PULTZ AND LILLIE) CONCLUSIONS AND ORDER TO
14 MCJUNKIN, 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 8, 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 22079 Louise Street, Perris, Riverside County, APN: 342-110-002, and
20 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 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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2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Anna J. Milton, Mary Pultz and Lillie McJunkin ("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 May 1, 2008,
7 December 9, 2008, February 4, 2009, April 28, 2009, September 22, 2009, and December 3, 2009.

8 4. During each inspection, a substandard structure (fire damaged dwelling) was observed
9 on THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The
10 structure contained numerous deficiencies, including but not limited to: members of walls, partitions
11 or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
12 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
13 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
14 protection; general dilapidation or improper maintenance; fire hazard; extensive fire damage; public
15 and attractive nuisance.

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

18 6. A Notice of Noncompliance was recorded on July 9, 2008 as Document Number
19 2008-0375109 in the Office of the County Recorder, County of Riverside.

20 7. On May 1, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not Enter"
21 sign were posted on THE PROPERTY. On June 24, 2008, Notices of Violation and Notice of
22 Defects were mailed by certified mail, return receipt requested to the OWNERS.

23 8. On September 21, 2009, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
25 by certified mail, return receipt requested, to OWNERS and was posted on THE PROPERTY on
26 September 22, 2009.

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FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the substandard structure on the real property located at 22079 Louise Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 342-110-002 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located at 22079 Louise Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 342-110-002 be abated by the OWNERS, and anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction of said structure provided such reconstruction can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including but

1 not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
2 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural
3 debris and materials, shall be abated by representatives of the Riverside County Code Enforcement
4 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
5 Order, where necessary, under, applicable law authorizing entry onto THE PROPERTY.

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

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
16 means "any costs or expenses reasonably related to the abatement of conditions which violate County
17 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
18 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
19 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
2 ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: _____

COUNTY OF RIVERSIDE

4
5 By _____
6 Marion Ashley
7 Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11 By

12 Deputy

13 (SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: [Signature] 1/4/10 DATE
JULIE A. KOONS JARVI