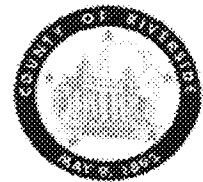


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

805B



SUBMITTAL DATE:
January 28, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 09-04287 (MARTIN)
Subject Property: 19318 Warren Road, Riverside; APN 266-263-007
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04287 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 09-04287 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 09-04287.

Departmental Concurrence

BACKGROUND:

On December 22, 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)

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

County Executive Office Signature

Dept Recomm.: Policy
 Per Exec. Ofc.: Policy
 X Consent Consent

Prev. Agn. Ref.: 12/22/09; 9.1 | District: 1 | Agenda Number: **2.11**

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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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-04287
12 [SUBSTANDARD STRUCTURE]; APN: 266-263-)
007, 19318 WARREN ROAD, RIVERSIDE,)
13 RIVERSIDE COUNTY, CALIFORNIA; CLEVE) FINDINGS OF FACT,
MARTIN AND ISABELLE MARTIN, OWNERS.) CONCLUSIONS AND ORDER TO
14) 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 22, 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 19318 Warren Road, Riverside, Riverside County, APN: 266-263-007, 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 The owners did not appear. Mr. Mabee appeared and addressed 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.

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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 Cleve Martin and Isabelle Martin ("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 August 11, 2009,
7 September 23, 2009, November 25, 2009 and December 21, 2009.

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

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 was recorded on September 2, 2009 as Document
18 Number 2009-0459096 in the Office of the County Recorder, County of Riverside.

19 7. On August 11, 2009, a Notice of Violation, Notice of Defects and "Danger Do Not
20 Enter" sign were posted on THE PROPERTY. On August 17, 2009 and September 14, 2009,
21 Notices of Violation and Notice of Defects were mailed by certified mail, return receipt requested to
22 the OWNERS.

23 8. On November 24, 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 the OWNERS and posted on THE PROPERTY on
26 November 25, 2009.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on December 22, 2009 finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 19318 Warren
5 Road, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 266-263-
6 007 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
7 nuisance.

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

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
20 at 19318 Warren Road, Riverside, Riverside County, California, also identified as Assessor's Parcel
21 Number 266-263-007 be abated by the OWNERS, and anyone having possession or control of THE
22 PROPERTY, by razing and removing the substandard structure including the removal and disposal of
23 all structural debris and materials, as well as the contents therein, or by reconstruction of said
24 structure provided such reconstruction can be accomplished in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
26 (90) days of the posting and mailing of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
28 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)

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi 1/20/10
DATE

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