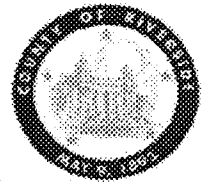


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

916B



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

**SUBMITTAL DATE:**  
February 10, 2010

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No.: CV 08-08056 (ABADIR)  
Subject Property: 33608 Blue Water Way, Temecula; APN 966-030-049  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-08056 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 08-08056 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 08-08056.

**BACKGROUND:**

On January 12, 2010, 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)

<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

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

Policy  Policy

Consent  Consent

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

Prev. Agn. Ref.: 01/12/10; 9.1 | District: 3 | Agenda Number:

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 08-08056  
12 [SUBSTANDARD STRUCTURE]; APN: 966-030- )  
049, 33608 BLUE WATER WAY, TEMECULA, )  
13 RIVERSIDE COUNTY, CALIFORNIA; ) FINDINGS OF FACT,  
CHRISTIAN ABADIR, OWNER. ) 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 January 12, 2010, 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 33608 Blue Water Way, Temecula, Riverside County, APN: 966-030-049, 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 Owner did not appear. Attorney Stephen H. Hutchings appeared but did not address the  
24 Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public  
27 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code  
28 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 Christian Abadir ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: National City Bank, National City Mortgage, Cal-Western Reconveyance,  
6 Corp., Oak Community Association, Assessment Management Services, SBS Lien Services  
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on September 18,  
9 2008, February 2, 2009, July 15, 2009, December 2, 2009, and January 11, 2010.

10 4. During each inspection, a substandard structure (single family dwelling with attached  
11 garage) was observed on THE PROPERTY. The structure was described as abandoned and vacant.  
12 The structure contained numerous deficiencies, including but not limited to: extensive fire damage;  
13 abandoned/vacant, public and attractive nuisance.

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

16 6. A Notice of Noncompliance was recorded on October 22, 2008 as Document Number  
17 2008-0566767 in the Office of the County Recorder, County of Riverside.

18 7. On September 18, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not  
19 Enter" sign were posted on THE PROPERTY. On October 14, 2008, a Notice of Violation and  
20 Notice of Defects were mailed by certified mail, return receipt requested to OWNER. On December  
21 9, 2008, Notice of Violation and Notice of Defects were mailed by certified mail, return receipt  
22 requested to the OWNERS and INTERESTED PARTIES and on July 17, 2009, was mailed to  
23 INTERESTED PARTY, Oak Creek Community Association C/O Assessment Management Services.

24 8. On November 3, 2009, "Notice To Correct County Ordinance Violations and Abate  
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
26 by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted  
27 on THE PROPERTY on December 2, 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 January 12, 2010, finds and concludes that:

1. WHEREAS, the substandard structure on the real property located at 33608 Blue Water Way, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 966-030-049 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

2. WHEREAS, THE OWNER, 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 OWNER AND INTERESTED PARTIES 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 33608 Blue Water Way, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 966-030-049 be abated by the OWNER, 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

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

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

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

Marion Ashley  
Chairman, Board of Supervisors

6 ATTEST:

7 KECIA HARPER-IHEM

8 Clerk to the Board

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11 By

12 Deputy

13 (SEAL)

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FORM APPROVED COUNTY COUNSEL  
BY: *Julie A. Koons Jarvi* DATE: 2/2/10