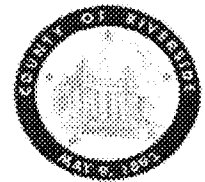


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

308B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 11, 2010

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 09-05465 & CV 09-05466 (VILLESCAZ)
Subject Property: 1 Parcel South of 44225 El Prado Road, Temecula
APN: 934-040-022
District One

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-05465 & CV 09-05466 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 Nos. CV 09-05465 & CV 09-05466; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-05465 & CV 09-05466.

(Continued)

JULIE A. JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

- Policy
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos: CV 09-05465 & CV 09-05466

Subject Property: 1 Parcel South of 44225 El Prado Road, Temecula

APN: 934-040-022

District One

BACKGROUND:

On February 23, 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 structures (two story structure and gazebo) and accumulation of rubbish 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, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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6 WHEN RECORDED PLEASE MAIL TO:
Julie A. Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
12 [SUBSTANDARD STRUCTURES AND) CASE NOS. CV 09-05465 &
ACCUMULATION OF RUBBISH]; APN 934-040-) CV 09-05466
13 022, 1 PARCEL SOUTH OF 44225 EL PRADO)
ROAD, TEMECULA, RIVERSIDE COUNTY,) FINDINGS OF FACT,
14 CALIFORNIA; LAURA VILLES CAZ, OWNER.) CONCLUSIONS AND ORDER TO
ABATE NUISANCE
15)
16 [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on February 23, 2010, 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 1 Parcel South of 44225 El Prado Road, Temecula, Riverside County, Assessor's
21 Parcel Number 934-040-022 and referred to hereinafter as "THE PROPERTY."

22 Julie A. 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 attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Laura Villescaz ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Rabobank, N.A. and State Board of Equalization ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 23, 2009,
7 September 2, 2009, September 15, 2009, January 14, 2010 and February 22, 2010.

8 4. During each inspection, a two story structure and gazebo were observed on THE
9 PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
10 structures contained numerous deficiencies, including but not limited to: lack of hot and cold running
11 water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring;
12 lack of adequate heating facilities; deteriorated or inadequate foundation; members of walls,
13 partitions, or other vertical supports that split, lean, list or buckle due to defective materials or
14 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or
15 improper maintenance; public and attractive nuisance – abandoned/vacant.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: household waste and other miscellaneous materials
18 strewn around THE PROPERTY.

19 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 7. Notices of Noncompliance for the substandard structures and accumulated rubbish
22 were recorded on August 13, 2009, as Document Numbers 2009-0423091 and 2009-0423093
23 respectively in the Office of the County Recorder, County of Riverside.

24 8. On July 23, 2009, Notices of Violation, Notice of Defects and Danger Do Not Enter
25 signs were posted on THE PROPERTY. On September 10, 2009, Notices of Violations and Notice
26 of Defects were mailed by certified mail, return receipt requested to OWNER and INTERESTED
27 PARTIES.

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1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structures (two story structure and
3 gazebo) on THE PROPERTY be abated by the OWNER, specifically Laura Villescraz or anyone
4 having possession or control of THE PROPERTY, by razing and removing the substandard structures
5 including the removal and disposal of all structural debris and materials, as well as the contents
6 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and
7 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
8 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
9 posting and mailing of this Order to Abate Nuisance.

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by OWNER or anyone having possession or control of THE PROPERTY by removing and
26 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
28 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order
4 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
5 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
6 receipt of an owner's consent or a Court Order when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
11 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
12 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
13 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
14 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
15 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER

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1 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order
2 to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi 3/8/10 DATE