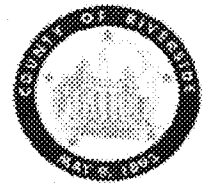


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

306B



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

**SUBMITTAL DATE:**  
March 11, 2010

**SUBJECT:** Order to Abate [Substandard Structures and Accumulation of Rubbish]  
Case No.: CV 09-05539 (GOODE)  
Subject Property: 21431 Oakwood Street, Perris  
APN: 318-150-019  
District One

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05539 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 09-05539; 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 09-05539.

(Continued)

*[Signature]*  
\_\_\_\_\_  
JULIE A. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

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

**C.E.O. RECOMMENDATION:** APPROVE

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

- Policy
- Consent

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

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No: CV 09-05539

Subject Property: 21431 Oakwood Street, Perris

APN: 318-150-019

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 (main dwelling and second unit) 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:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie A. Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-05539  
12 [SUBSTANDARD STRUCTURES AND )  
13 ACCUMULATION OF RUBBISH]; APN 318-150- ) FINDINGS OF FACT,  
019, 21431 OAKWOOD STREET, PERRIS, ) CONCLUSIONS AND ORDER TO  
14 RIVERSIDE COUNTY, CALIFORNIA; CARLIN ) ABATE NUISANCE  
GOODE, OWNER. )  
15 ) [R.C.O. Nos. 457 (RCC Title 15), 541  
16 ) (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 as 21431 Oakwood Street, Perris, Riverside County, Assessor's Parcel Number  
21 318-150-019 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.

**SUMMARY OF EVIDENCE**

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

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: CACV of Colorado, LLC and Unifund CCR Partners ("INTERESTED  
6 PARTIES").

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on August 21, 2009,  
8 September 30, 2009 and January 27, 2010.

9           4.       During each inspection, a main dwelling and second unit were observed on THE  
10 PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The  
11 structures contained numerous deficiencies, including but not limited to: lack of improper water  
12 closet, lavatory, bathtub, shower or kitchen sink; members of ceiling, roofs, ceiling and roof supports  
13 or other horizontal members which sag, split, or buckle due to defective material or deterioration;  
14 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective  
15 materials or deterioration; dampness of habitable rooms; faulty weather protection; general  
16 dilapidation or improper maintenance; abandoned vacant public and attractive nuisance.

17           5.       During each inspection an accumulation of rubbish was observed throughout THE  
18 PROPERTY consisting of but not limited to: roofing material, scrap wood and miscellaneous  
19 trash and debris.

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

22           7.       A Notice of Noncompliance for the substandard structures and accumulated rubbish  
23 was recorded on September 9, 2009, as Document Number 2009-0469538 in the Office of the  
24 County Recorder, County of Riverside.

25           8.       On August 21, 2009, Notices of Violation, Notice of Defects and Danger Do Not  
26 Enter signs were posted on THE PROPERTY. On August 27, 2009, Notices of Violations and  
27 Notice of Defects were mailed by certified mail, return receipt requested to OWNER and on  
28 September 14, 2009 were mailed to OWNER and INTERESTED PARTIES.

1 9. On January 26, 2010, a "Notice to Abate Nuisance" providing notice of the public  
2 hearing before the Board of Supervisors on February 23, 2010, was mailed by certified mail, return  
3 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY  
4 on January 27, 2010.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
7 regular session assembled on February 23, 2010 finds and concludes that:

8 1. WHEREAS, the substandard structures (main dwelling and second unit) and  
9 accumulation of rubbish on the real property located at 21431 Oakwood Street, Perris, Riverside  
10 County, California, also identified as Assessor's Parcel Number 318-150-019 violates Riverside  
11 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public  
12 nuisance.

13 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
14 of THE PROPERTY should abate the substandard structures (main dwelling and second unit) by  
15 razing, removing and disposing of the substandard structures, including the removal and disposal of  
16 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said  
17 structures provided that said reconstruction or demolition can be accomplished in strict accordance  
18 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
19 457 within ninety (90) days.

20 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
21 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of  
22 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including  
23 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

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1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structures (main dwelling and second  
3 unit) on THE PROPERTY be abated by the OWNER, specifically Carlin Goode, or anyone having  
4 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 (main dwelling and second  
11 unit) are not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance  
12 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
13 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the  
14 substandard structures, contents therein, and structural debris and materials, shall be abated and  
15 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor,  
16 or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,  
17 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. MOONS JARVI  
DATE: 3/8/10