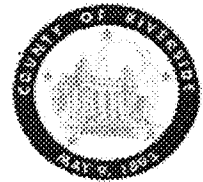


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

712B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
April 20, 2010

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case Nos.: CV 09-02470 & CV 09-05856 (CRANSTON)  
Subject Property: 33883 Bethel Avenue, Hemet  
APN: 458-194-008  
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-02470 and CV 09-05856 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 09-02470 and CV 09-05856; 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 09-02470 and CV 09-05856.

(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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Tina Grande

Policy ☐

Consent ☒

Policy ☐

Consent ☒

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 04/06/10 9.4

District: 3

Agenda Number:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 09-02470 and CV 09-05856

Subject Property: 33883 Bethel Road, Hemet

APN: 458-194-008

District Three

**BACKGROUND:**

On April 6, 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 (detached garage) 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

6 WHEN RECORDED PLEASE MAIL TO:  
7 Julie A. Jarvi, Deputy County Counsel  
8 County of Riverside  
9 OFFICE OF COUNTY COUNSEL  
10 3960 Orange Street, Fifth Floor (Stop #1350)  
11 Riverside, CA 92501

[EXEMPT'6103]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NOS. CV 09-02470 &
[SUBSTANDARD STRUCTURE AND	)	CV 09-05856
ACCUMULATION OF RUBBISH]; APN 458-194-	)	
008, 33883 BETHEL AVENUE, HEMET,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ALBERT	)	CONCLUSIONS AND ORDER TO
E. CRANSTON, OWNER.	)	ABATE NUISANCE
	)	
	)	[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 April 6, 2010, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described 33883 Bethel Avenue, Hemet, Assessor's Parcel Number 458-194-008 and referred to  
21 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 structures 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. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Albert E. Cranston ("OWNER").

2. Documents of title indicate that no other parties potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on April 9, 2009, August 11, 2009, September 29, 2009, October 27, 2009, November 9, 2009, November 18, 2009, December 4, 2009, December 15, 2009, January 5, 2010, March 2, 2010 and April 5, 2010.

4. During each inspection, a substandard structure (detached garage) was observed on THE PROPERTY and appeared to be dilapidated. The structure contained numerous deficiencies, including but not limited to: members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance and public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: wood, household furniture, used ducting, metal and carpet.

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

7. Notices of Noncompliance were recorded on December 3, 2009, as Document Numbers 2009-0623413 and 2009-0623405 in the Office of the County Recorder, County of Riverside.

8. On April 9, 2009, Notices of Violation, a Notice of Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On August 11, 2009, a Notice of Violation and a "Do Not Dump" sign were posted on THE PROPERTY. On April 28, 2009, a Notice of Violation for the substandard structure and on August 11, 2009, a Notice of Violation for the Accumulation of Rubbish was mailed to OWNER by certified mail, return receipt requested.

1           9.       On March 1, 2010, a "Notice to Abate Nuisance" providing notice of the public  
2 hearing before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt  
3 requested, to OWNER and was posted on THE PROPERTY on March 2, 2010.

4                               **FINDINGS AND CONCLUSIONS**

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

7           1.       WHEREAS, the substandard structure (detached garage) and accumulation of rubbish  
8 on the real property located at 33883 Bethel Avenue, Hemet, Riverside County, California, also  
9 identified as Assessor's Parcel Number 458-194-008 violates Riverside County Ordinance Nos. 457  
10 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

25                               **ORDER TO ABATE NUISANCE**

26           IT IS THEREFORE ORDERED that the substandard structure (detached garage) on THE  
27 PROPERTY be abated by OWNER, Albert E. Cranston, or anyone having possession or control of  
28 THE PROPERTY, by razing and removing the substandard structure including the removal and

1 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and  
2 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished  
3 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
5 Nuisance.

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

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

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

25 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
26 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
27 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
28 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside

1 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
2 owner's consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
6 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
7 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
8 expenses reasonably related to the abatement of conditions which violate County Land Use  
9 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
10 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
11 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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

3  
4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
7 Marion Ashley  
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi 4/13/10  
DATE