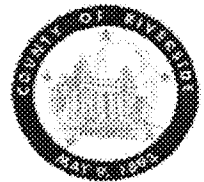


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

705B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 09-02820 (LYONS)
Subject Property: 13220 Joshua Road, Whitewater; APN 517-221-009
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-02820 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 09-02820 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 09-02820.

BACKGROUND:

On April 20, 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.

JULIE A. JARVIS, 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

County Executive Office Signature

BY: Tina Grande

Policy ☐ Policy ☐
Consent ☒ Consent ☒

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

Prev. Agn. Ref.: 04/20/10; 9.9

District: 5

Agenda Number:

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4
5

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:) CASE NO. CV 09-02820
12 [SUBSTANDARD STRUCTURE]; APN 517-221-)
009, 13220 JOSHUA ROAD, WHITEWATER,) FINDINGS OF FACT,
13 RIVERSIDE COUNTY, CALIFORNIA; MARK E.) CONCLUSIONS AND ORDER TO
LYONS, OWNER.) ABATE NUISANCE
14)
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 April 20, 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 13220 Joshua Road, Whitewater, Riverside County, Assessor's Parcel Number
20 517-221-009 and referred to hereinafter as "THE PROPERTY."

21 Julie A. 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, Mark Lyons, appeared and addressed the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of
26 Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

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

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 April 27, 2009,
7 June 2, 2009, September 21, 2009, November 25, 2009 and April 15, 2010.

8 4. During each inspection, a substandard structure (single family dwelling) was observed
9 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
10 structure contained numerous deficiencies, including but not limited to: lack of or improper water
11 closet, lavatory, bathtub, shower or kitchen sink; hazardous plumbing; lack of required electrical
12 lighting; hazardous wiring; lack of adequate heating facilities; members of walls, partitions, or other
13 vertical supports that split, lean, list or buckle due to defective material or deterioration; faulty
14 weather protection; general dilapidation or improper maintenance; abandoned, vacant, public and
15 attractive nuisance.

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

18 6. A Notice of Noncompliance was recorded on June 25, 2009, as Document Number
19 2009-0325146 in the Office of the County Recorder, County of Riverside.

20 7. On April 27, 2009, a Notice of Violation and a "Danger Do Not Enter" sign was
21 posted on THE PROPERTY. On June 26, 2009, a Notice of Violation was mailed to OWNER by
22 certified mail, return receipt requested.

23 8. On November 24, 2009, a "Notice to Abate Nuisance" providing notice of the public
24 hearing before the Board of Supervisors, was mailed by certified mail, return receipt requested, to
25 OWNER and was posted on THE PROPERTY on November 25, 2009.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on April 20, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (single family dwelling) on the real property located at 13220 Joshua Road, Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-221-009 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and constitutes a public nuisance.

2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY should abate the substandard structure 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 and rehabilitation 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 IS 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 structures (single family dwelling) on THE PROPERTY be abated by the OWNER, Mark E. Lyons, or 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 and rehabilitation of said structure provided such reconstruction and rehabilitation 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 disposed of, or reconstructed and rehabilitated 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, the substandard structure, contents therein, and structural debris and materials, shall be abated by representatives of the Riverside County

1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
3 PROPERTY.

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

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
15 expenses reasonably related to the abatement of conditions which violate County Land Use
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
17 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
18 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.

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4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
Marion Ashley
Chairman, Board of Supervisors

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By

13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL

BY

DATE

JULIE A. KOONS JARVI