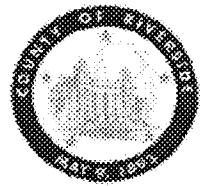


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

107B



SUBMITTAL DATE:
June 3, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 09-04289 (HINES)
Subject Property: 19431 Ray Avenue, Riverside
APN: 266-312-002
District One

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04289 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 09-04289; 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 09-04289.

(Continued)

L. Alexandra Fong
L. ALEXANDRA FONG, 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*
Tina Grande

County Executive Office Signature

- | | | |
|-----------------|-------------------------------------|---------|
| Dept't Recomm.: | <input type="checkbox"/> | Policy |
| Per Exec. Ofc.: | <input type="checkbox"/> | Policy |
| | <input checked="" type="checkbox"/> | Consent |
| | <input type="checkbox"/> | Consent |

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 09-04289

Subject Property: 19431 Ray Avenue, Riverside

APN: 266-312-002

District One

BACKGROUND:

On May 18, 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 (white stucco dwelling) 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)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, 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 09-04289
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 266-312-)
13 002, 19431 RAY AVENUE, RIVERSIDE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ALFRED) CONCLUSIONS AND ORDER TO
14 T. HINES AND WILLIE M. HINES, OWNERS.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described 19431 Ray Avenue, Riverside, Riverside County, Assessor's Parcel Number 266-312-002
20 and referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owners.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Alfred T. Hines and Willie M. Hines ("OWNERS").

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 November 24,
7 2009, December 28, 2009, January 26, 2010, March 17, 2010 and May 17, 2010.

8 4. During each inspection, a substandard structure (white stucco 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; lack of hot and cold running water to plumbing
12 fixtures; members of walls, partitions or other vertical supports that split, lean, list or buckle due to
13 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other
14 horizontal members which sag, split or buckle due to defective material or deterioration; faulty
15 weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

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

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. A Notice of Noncompliance was recorded on December 9, 2009, as Document
22 Number 2009-0632229 in the Office of the County Recorder, County of Riverside.

23 8. On November 24, 2009, Notices of Violation, a "Danger Do Not Enter" and a "Do
24 Not Dump" sign were posted on THE PROPERTY. On December 1, 2009 and January 7, 2010,
25 Notices of Violation for the substandard structures and accumulation of rubbish were mailed to
26 OWNERS by certified mail, return receipt requested.

27 9. On March 17, 2010, a "Notice to Abate Nuisance" providing notice of the public
28 hearing before the Board of Supervisors on May 18, 2010, was mailed by certified mail, return receipt

1 requested, to OWNERS and was posted on THE PROPERTY on March 17, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on May 18, 2010, finds and concludes that:

5 1. WHEREAS, the substandard structure (white stucco dwelling) and accumulation of
6 rubbish on the real property located at 19431 Ray Avenue, Riverside, Riverside County, California,
7 also identified as Assessor's Parcel Number 266-312-002 violates Riverside County Ordinance Nos.
8 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structure (white stucco dwelling) on
25 THE PROPERTY be abated by the OWNERS, Alfred T. Hines and Willie M. Hines, or anyone
26 having possession or control of THE PROPERTY, by razing and removing the substandard structure
27 including the removal and disposal of all structural debris and materials, as well as the contents
28 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and

1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
3 posting and mailing of this Order to Abate Nuisance.

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

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

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

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

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
5 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
6 expenses reasonably related to the abatement of conditions which violate County Land Use
7 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
8 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
9 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
10 recoverable from THE OWNERS even if THE PROPERTY is brought into compliance within ninety
11 (90) days of the date of this Order 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: ALEXANDRA FONG DATE 5/24/10