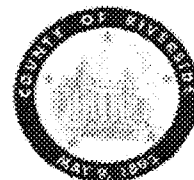


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

308B



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

**SUBMITTAL DATE:**  
June 17, 2010

**SUBJECT:** Order to Abate [Substandard Structures]  
Case No.: CV 09-06005 (FREY)  
Subject Property: 44174 Florida Avenue, Hemet; APN 549-152-038  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06005 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 09-06005 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 09-06005.

**BACKGROUND:**

On June 8, 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.

*[Signature]*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

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

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

**APPROVE**

BY: *[Signature]*  
Tina Grande

County Executive Office Signature

Policy  Policy

Consent  Consent

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

Prev. Agn. Ref.: 06/08/10; 9.3

District: 3

Agenda Number:

**2.9**

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 09-06005  
12 [SUBSTANDARD STRUCTURES]; APN 549- )  
13 152-038, 44174 FLORIDA AVENUE, HEMET, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
14 PATRICIA DARLENE FREY, OWNER. ) ABATE NUISANCE  
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 June 8, 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 44174 Florida Avenue, Hemet, Riverside County, Assessor's Parcel Number 549-152-038  
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 owner.

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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**SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Bank of America C/O Regional Trustee Services, Corp., Liberty Reverse  
6 Mortgage, Inc., Seattle Mortgage Company, Secretary of Housing and Urban Development  
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 14, 2009,  
9 February 23, 2010, February 26, 2010, March 11, 2010 and April 13, 2010.

10 4. During each inspection, two (2) substandard structures (2 single family dwellings)  
11 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated  
12 and vacant. The structures contained numerous deficiencies, including but not limited to: lack of hot  
13 and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting;  
14 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective  
15 material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation  
16 or improper maintenance; fire hazard; abandoned, vacant, public and attractive nuisance.

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

19 6. A Notice of Noncompliance was recorded on September 1, 2009, as Document  
20 Number 2009-0456633 in the Office of the County Recorder, County of Riverside.

21 7. On August 14, 2009, a Notice of Violation and a "Danger Do Not Enter" sign were  
22 posted on THE PROPERTY for the main dwelling and on December 9, 2009 for the rear dwelling.

23 8. On October 30, 2009, a Notice of Violation for the main dwelling and on December  
24 10, 2009, a Notice of Violation for the rear dwelling was mailed to OWNER and INTERESTED  
25 PARTIES by certified mail, return receipt requested.

26 9. On April 8, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing  
27 before the Board of Supervisors on June 8, 2010, was mailed by certified mail, return receipt  
28 requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on April

1 13, 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 June 8, 2010, finds and concludes that:

5 1. WHEREAS, the substandard structures (2 single family dwellings) on the real property  
6 located at 44174 Florida Avenue, Hemet, Riverside County, California, also identified as Assessor's  
7 Parcel Number 549-152-038 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12)  
8 and constitutes a public nuisance.

9 2. WHEREAS, THE OWNER, 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 structures, including the removal and disposal of all structural debris  
12 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided  
13 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
14 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
15 (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structures (2 single family dwellings) on  
23 THE PROPERTY be abated by the OWNER, Patricia Darlene Frey, or anyone having possession or  
24 control of THE PROPERTY, by razing and removing the substandard structures including the  
25 removal and disposal of all structural debris and materials, as well as the contents therein, or by  
26 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation can  
27 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited  
28 to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this

1 Order to Abate Nuisance.

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

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

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
19 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
20 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
21 expenses reasonably related to the abatement of conditions which violate County Land Use  
22 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
23 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
24 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: *[Signature]* DATE *2/25/10*  
ALEXANDRA FONG