

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

613B



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

**SUBMITTAL DATE:**  
July 15, 2010

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. : CV 10-01807 (50 BY 50 REO II)  
Subject Property: 32707 Pixley Canyon Road, Hemet; APN: 470-390-018  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01807 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 10-01807; 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 10-01807.

Departmental Concurrence

*L. Alexandra Fong*

(Continued)

L. ALEXANDRA FONG, 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>	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**

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|-------------------------------------|---------|-------------------------------------|---------|
| <input type="checkbox"/>            | Policy  | <input type="checkbox"/>            | Policy  |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Consent |

Dept's Recomm.:  
Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No. CV 10-01807; 50 BY 50 REO II  
32707 Pixley Canyon Road, Hemet  
Page 2

**BACKGROUND:**

On June 29, 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 (29 x 60 factory built home) 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 Findings of Fact, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
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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 10-01807  
12 [SUBSTANDARD STRUCTURE]; APN 470-390- )  
018, 32707 PIXLEY CANYON ROAD, HEMET, )  
13 RIVERSIDE COUNTY, CALIFORNIA; 50 BY 50 ) FINDINGS OF FACT,  
REO II, OWNER. ) CONCLUSIONS AND ORDER TO  
14 ) 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 29, 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 as 32707 Pixley Canyon Road, Hemet, Assessor's Parcel Number 470-390-018 and  
20 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 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structure 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 50 By 50 Reo II ("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 March 8, 2010,  
7 April 5, 2010, June 11, 2010 and June 25, 2010.

8 4. During each inspection, a substandard structure (29 x 60 factory built home) was  
9 observed on THE PROPERTY. The structure was observed to be abandoned and vacant. The  
10 structure contained numerous deficiencies, including but not limited to: hazardous wiring; general  
11 dilapidation or improper maintenance; public and attractive nuisance; abandoned/vacant; and expired  
12 permits.

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

15 6. A Notice of Noncompliance was recorded on March 18, 2010, as Document Number  
16 2010-0125637 in the Office of the County Recorder, County of Riverside.

17 7. On March 8, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not  
18 Enter" sign were posted on THE PROPERTY. On March 9, 2010, a Notice of Violation and Notice  
19 of Defects were mailed to OWNER by certified mail, return receipt requested.

20 8. On June 10, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing  
21 before the Board of Supervisors on June 29, 2010, was mailed by certified mail, return receipt  
22 requested, to OWNER and was posted on THE PROPERTY on June 11, 2010.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
25 regular session assembled on June 29, 2010, finds and concludes that:

26 1. WHEREAS, the substandard structure (29 x 60 factory built home) on the real  
27 property located at 32707 Pixley Canyon Road, Hemet, Riverside County, California, also identified  
28 as Assessor's Parcel Number 470-390-018 violates Riverside County Ordinance No. 457 and



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

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 Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
12 expenses reasonably related to the abatement of conditions which violate County Land Use  
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from OWNER even if THE PROPERTY is brought into compliance within ninety (90)  
2 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: Marion Ashley 7/13/10 DATE  
L. ALEXANDRA FORG