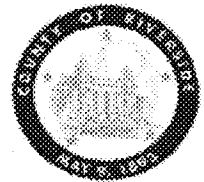


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 09-02630 & CV 09-02632 (LE & HUYNH)
Subject Property: 26730 Highway 74, Perris
APN: 345-220-088
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-02630 & CV 09-02632 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 09-02630 & CV 09-02632; 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 09-02630 & CV 09-02632.

(Continued)

L. Alex 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

Policy Policy

Consent Consent

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

Prev. Agn. Ref.: 06/22/10 9.5 | District: 5 | Agenda Number:

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case Nos.: CV 09-02630 & CV 09-02632

Subject Property: 26730 Highway 74, Perris

APN: 345-220-088

District Five

BACKGROUND:

On June 22, 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 structures (barn and agricultural building) 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

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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 NOS. CV 09-02630 &
12 [SUBSTANDARD STRUCTURES AND) CV 09-02632
ACCUMULATION OF RUBBISH]; APN 345-220-)
13 088, 26730 HIGHWAY 74, PERRIS, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; MARGUERITE CUC) CONCLUSIONS AND ORDER TO
14 LE, HONG THIEN HUYNH AND MAI X.) ABATE NUISANCE
HUYNH, OWNERS.)
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on June 22, 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 26730 Highway 74, Perris, Assessor's Parcel Number 345-220-088 and referred to
21 hereinafter as "THE PROPERTY."

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

24 Owner's representative, Antonio De Luis, appeared and addressed the Board of Supervisors.

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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Marguerite Cuc Le, Hong Thien Huynh and Mai X. Huynh ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Wilshire State Bank, Stewart Title of California, Inc., and Geoffrey C. Lyon,
6 Esq. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 14, 2009,
8 July 1, 2009, September 24, 2009, December 8, 2009, February 22, 2010, May 5, 2010 and June 21,
9 2010.

10 4. During each inspection, two substandard structures (barn and agricultural building)
11 were observed on THE PROPERTY. The structures were observed to be dilapidated and contained
12 numerous deficiencies, including but not limited to: hazardous wiring; members of walls, partitions or
13 other vertical supports that split, lean, list or buckle due to defective material or deterioration;
14 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
15 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or
16 improper maintenance; public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: trash, appliances, broken fiberglass pools and spas, tires,
19 furniture and pallets.

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

22 7. A Notice of Noncompliance was recorded on June 11, 2009, as Document Number
23 2009-0299282 in the Office of the County Recorder, County of Riverside.

24 8. On April 14, 2009, Notices of Violation, Notices of Defects, a "Danger Do Not Enter"
25 and a "Do Not Dump" sign were posted on THE PROPERTY. On April 30, 2009, May 4, 2009, and
26 June 2, 2009, Notices of Violation for the substandard structures and accumulation of rubbish were
27 mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

28 9. On May 3, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing

1 before the Board of Supervisors on June 22, 2010, was mailed by certified mail, return receipt
2 requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on
3 May 5, 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 June 22, 2010, finds and concludes that:

7 1. WHEREAS, the two substandard structures (barn and agricultural building) and
8 accumulation of rubbish on the real property located at 26730 Highway 74, Perris, Riverside County,
9 California, also identified as Assessor's Parcel Number 345-220-088 violates Riverside County
10 Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public
11 nuisance.

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

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

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

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1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the two substandard structures (barn and agricultural
3 building) on THE PROPERTY be abated by the OWNERS, Marguerite Cuc Le, Hong Thien Huynh
4 and Mai X. Huynh, or anyone having possession or control of THE PROPERTY, by razing and
5 removing the substandard structures including the removal and disposal of all structural debris and
6 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
7 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
8 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
9 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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

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

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 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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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: [Signature] DATE: 7/27/10
L. ALEXANDRA FONG