

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

614B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No. : CV 10-00386 (VELARDE)
Subject Property: 21665 Eucalyptus Lane, Perris; APN: 325-060-013
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-00386 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 10-00386; 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 10-00386.

Departmental Concurrence

L. Alexandra Fong

(Continued)

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

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------|
| <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 10-00386; VELARDE
21665 Eucalyptus Lane, Perris
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 (barn) 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]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-00386
12 [SUBSTANDARD STRUCTURE]; APN 325-060-)
013, 21665 EUCALYPTUS LANE, PERRIS,)
13 RIVERSIDE COUNTY, CALIFORNIA; JOHN B.) FINDINGS OF FACT,
VELARDE AND ELVIA O. VELARDE,) CONCLUSIONS AND ORDER TO
14 OWNERS.) 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 21665 Eucalyptus Lane, Perris, Assessor's Parcel Number 325-060-013 and referred to
20 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 appeared and left prior to the matter being heard by 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 owners of
3 THE PROPERTY as John B. Velarde and Elvia O. Velarde ("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 January 15, 2010,
7 March 29, 2010, June 11, 2010 and June 25, 2010.

8 4. During the initial inspection, two substandard structures (barn and shed) were
9 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
10 vacant. The structures contained numerous deficiencies, including but not limited to: hazardous
11 wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to
12 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other
13 horizontal members which sag, split or buckle due to defective material or deterioration; dampness of
14 habitable rooms; faulty weather protection; general dilapidation or improper maintenance;
15 unpermitted; public and attractive nuisance. The shed was subsequently demolished and all debris
16 removed from THE PROPERTY.

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 January 28, 2010, as Document Number
20 2010-0039005 in the Office of the County Recorder, County of Riverside.

21 7. On January 15, 2010, Notices of Violation, Notice of Defects and a "Danger Do Not
22 Enter" signs were posted on THE PROPERTY. On January 19, 2010, a Notice of Violation and
23 Notice of Defects were mailed to OWNERS by certified mail, return receipt requested.

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

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on June 29, 2010, finds and concludes that:

2 1. WHEREAS, the substandard structure (barn) on the real property located at 21665
3 Eucalyptus Lane, Perris, Riverside County, California, also identified as Assessor's Parcel Number
4 325-060-013 violates Riverside County Ordinance No. 457 and constitutes a public nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structure (barn) on THE PROPERTY
17 be abated by OWNERS, John B. Velarde and Elvia O. Velarde, or anyone having possession or
18 control of THE PROPERTY, by razing and removing the substandard structure including the removal
19 and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
20 and rehabilitation of said structure provided such reconstruction and rehabilitation can be
21 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
22 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
23 to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
26 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
27 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
28 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 OWNERS are 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 OWNERS 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: *L. Alexandrafong* *7/13/10*
DATE
L. ALEXANDRAFONG