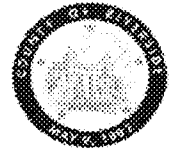


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

409B



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

**SUBMITTAL DATE:**  
October 6, 2010

**SUBJECT:** Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulation of Rubbish]  
Case Nos.: CV 08-04348 & CV 07-3256 (KINION); District: 3  
Subject Property: 1 Lot South of 26500 Truelson Ave., Hemet APN: 458-226-010

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-04348 & CV 07-3256 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 Nos. CV 08-04348 & CV 07-3256; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-04348 & CV 07-3256.

(Continued)

*L. Alexandra Fong*  
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

**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**

☒ Consent  
☐ Policy  
☒ Consent  
☐ Policy

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

Abatement of Public Nuisance  
Case Nos. CV 08-04348 & CV 07-3256; KINION  
1 Lot South of 26500 Truelson Avenue, Hemet  
Page 2

**BACKGROUND:**

On September 28, 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 (mobile home addition), excess outside storage and accumulation of rubbish 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, 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 NOS. CV 08-04348 &  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE ) CV 07-3256  
OUTSIDE STORAGE AND ACCUMULATION )  
13 OF RUBBISH]; APN 458-226-010, 1 LOT SOUTH ) FINDINGS OF FACT,  
OF 26500 TRUELSON AVENUE, HEMET, ) CONCLUSIONS AND ORDER TO  
14 RIVERSIDE COUNTY, CALIFORNIA; THE ) ABATE NUISANCE  
ESTATES OF BRYAN L. KINION AND G. )  
15 MARIE KINION (AKA MARIE G. KINION), ) [R.C.O. Nos. 348 (RCC Title 17), 457  
OWNERS. ) (RCC Title 15), 541 (RCC Title 8) and  
16 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on September 28, 2010, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described 1 Lot South of 26500 Truelson Avenue, Hemet, Riverside County, California,  
21 Assessor's Parcel Number 458-226-010 and referred to 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 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials  
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.  
28 348 (Riverside County Code Chapter 17.16), 457 (Riverside County Code Title 15) and 541

(Riverside County Code Chapter 8.120), and as a public nuisance.

### **SUMMARY OF EVIDENCE**

1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as The Estates of Bryan L. Kinion and G. Marie Kinion (AKA Marie G. Kinion) ("OWNERS").

2. Documents of title indicate that no other parties potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on August 1, 2007, April 25, 2008, November 4, 2008, January 7, 2009, September 16, 2009, November 20, 2009, December 2, 2009, January 15, 2010, February 17, 2010, March 17, 2010, April 7, 2010, June 1, 2010 and July 16, 2010.

4. During each inspection, a substandard structure (mobile home addition) was observed on THE PROPERTY. The structure was observed to be dilapidated. The structure contained numerous deficiencies, including but not limited to: deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical supports that split, lean list or buckle due to defective material or deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; general dilapidation or improper maintenance.

5. During each inspection an accumulation of rubbish and excess outside storage was also observed throughout THE PROPERTY which was intermingled and consisting of, but not limited to: household items, furniture, trash, tires, plastic, metal and wood.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348 (RCC Chapter 17.16), 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. On August 23, 2007, Notice of Noncompliance for the accumulated rubbish and excess outside storage was recorded at the Riverside County Recorder's Office as instrument numbers 2007-0542653. On August 28, 2008, a Notice of Noncompliance for the substandard structure was recorded at the Riverside County Recorder's Office as instrument number 2008-

1 0468416.

2 8. On August 1, 2007, Notices of Violation for excess outside storage and accumulated  
3 rubbish were posted on THE PROPERTY. On August 9, 2007, Notices of Violation were mailed by  
4 certified mail, return receipt requested to OWNERS.

5 9. On April 25, 2008, a Notice of Violation for substandard structure, Notice of Defects  
6 and "Danger- Do Not Enter" signs were posted on THE PROPERTY. On June 10, 2008, Notice of  
7 Violation for substandard structure and Notice of Defects were mailed by certified mail, return receipt  
8 requested to OWNERS.

9 9. On July 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public  
10 Nuisance" providing notice of the public hearing before the Board of Supervisors on September 28,  
11 2010, was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE  
12 PROPERTY on July 16, 2010.

13 **FINDINGS AND CONCLUSIONS**

14 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
15 regular session assembled on September 28, 2010, finds and concludes that:

16 1. WHEREAS, the substandard structure (mobile home addition), excessive outside  
17 storage of materials and accumulation of rubbish on the real property located at 1 Lot South of 26500  
18 Truelson Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel Number  
19 458-226-010 violates Riverside County Ordinance Nos. 348, (RCC Chapter 17.16), 457 (RCC Title  
20 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

21 2. WHEREAS, THE OWNERS, occupants and any person having possession or control  
22 of THE PROPERTY shall abate the substandard structure (mobile home addition) by razing,  
23 removing and disposing of the substandard structure, including the removal and disposal of all  
24 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said  
25 structure provided that said reconstruction or demolition can be accomplished in strict accordance  
26 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
27 457 within ninety (90) days.

28 3. WHEREAS, THE OWNERS, occupants and any other person having possession or

1 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
2 materials by removing and disposing of all rubbish and excessive outside storage on THE  
3 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
4 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the substandard structures (mobile home addition) on  
11 THE PROPERTY be abated by the OWNERS, specifically The Estates of Bryan L. Kinion and G.  
12 Marie Kinion (AKA Marie G. Kinion), or anyone having possession or control of THE PROPERTY,  
13 by razing and removing the substandard structure including the removal and disposal of all structural  
14 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said  
15 structure provided such reconstruction and rehabilitation can be accomplished in strict accordance  
16 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
17 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

26 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of  
27 asbestos containing materials in said structure by survey and materials sample testing by a duly  
28 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure

1 the removal of all asbestos containing materials discovered through such survey and testing by  
2 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
3 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

4 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage  
5 of materials on THE PROPERTY be abated by OWNERS or anyone having possession or control of  
6 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials  
7 on THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not  
8 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter  
9 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
11 storage of materials are not removed and disposed of in strict accordance with all Riverside County  
12 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)  
13 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance,  
14 the accumulation of rubbish and excessive outside storage of materials shall be abated and disposed of  
15 by representatives of the Riverside County Code Enforcement Department, a contractor or the  
16 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under  
17 applicable law.

18 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
19 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
20 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
21 County Ordinance Nos. 348 (RCC Chapter 17.16), 457 (RCC Title 15), 541 (RCC Chapter 8.120),  
22 and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means  
23 "any costs or expenses reasonably related to the abatement of conditions which violate County Land  
24 Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
25 administrative costs, attorneys fees, and the costs associated with the removal or correction of the

26 ///

27 ///

28 ///

FORM APPROVED COUNTY COUNSEL  
BY: AKL DATE 10/6/10  
L. ALEXANDRA FONG

violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)