

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

415B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
OCT 6, 2010

SUBJECT: Order to Abate [Substandard Structures]  
Case No: CV 09-05697 (REAL ESTATE MANAGEMENT)  
Subject Property: 26134 Girard Street, Hemet; APN: 447-060-057  
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05697 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 09-05697; 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 09-05697.

(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

Dep't Recomm.: ☒ Consent ☐ Policy  
Per Exec. Ofc.: ☒ Consent ☐ Policy

Abatement of Public Nuisance  
Case No. CV 09-05697; REAL ESTATE MANAGEMENT  
26134 Girard Street, Hemet  
Page 2

**BACKGROUND:**

On September 14, 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 (dwelling and detached garage) 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)  
3  
4  
5

6 WHEN RECORDED PLEASE MAIL TO:  
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 09-05697  
12 [SUBSTANDARD STRUCTURES]; APN 447- )  
060-057, 26134 GIRARD STREET, HEMET, ) FINDINGS OF FACT,  
13 RIVERSIDE COUNTY, CALIFORNIA; REAL ) CONCLUSIONS AND ORDER TO  
ESTATE MANAGEMENT, OWNER. ) ABATE NUISANCE  
14 )  
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 September 14, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 26134 Girard Street, Hemet, Riverside County, Assessor's Parcel Number 447-  
20 060-057 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 Real Estate Management ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: First American Loanstar Trustee Services, Ralph David Peterson and Rosemary  
6 Peterson, and Wells Fargo Home Mortgage ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 21, 2009,  
8 December 11, 2009, January 14, 2010, March 24, 2010, May 4, 2010, August 5, 2010 and September  
9 9, 2010.

10 4. During each inspection, two substandard structures (dwelling and detached garage)  
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  
13 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of required electrical lighting;  
14 hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle  
15 due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or  
16 other horizontal members which sag, split or buckle due to defective material or deterioration;  
17 dampness of habitable rooms; faulty weather protection; general dilapidation or improper  
18 maintenance; fire hazard; public and attractive nuisance.

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

21 6. A Notice of Noncompliance was recorded on September 11, 2009, as Document  
22 Number 2009-0474564 in the Office of the County Recorder, County of Riverside.

23 7. On August 21, 2009, a Notice of Violation, Notice of Defects and a "Danger Do Not  
24 Enter" sign was posted on THE PROPERTY for the dwelling and on March 24, 2010 for the  
25 detached garage. On August 31, 2009, a Notice of Violation and Notice of Defects for the  
26 substandard dwelling was mailed to OWNER and on April 2, 2010 was mailed to OWNER and  
27 INTERESTED PARTIES by certified mail, return receipt requested.

28 8. On July 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public

1 Nuisance” providing notice of the public hearing before the Board of Supervisors on September 14,  
2 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED  
3 PARTIES and was posted on THE PROPERTY on August 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 September 14, 2010, finds and concludes that:

7 1. WHEREAS, the substandard structures (dwelling and detached garage) on the real  
8 property located at 26134 Girard Street, Hemet, Riverside County, California, also identified as  
9 Assessor's Parcel Number 447-060-057 violates Riverside County Ordinance No. 457 (RCC Chapter  
10 15.12) and constitutes a public nuisance.

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

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

#### 23 ORDER TO ABATE NUISANCE

24 IT IS THEREFORE ORDERED that the substandard structures (dwelling and detached  
25 garage) on THE PROPERTY be abated by the OWNER, Real Estate Management, or anyone having  
26 possession or control of THE PROPERTY, by razing and removing the substandard structures  
27 including the removal and disposal of all structural debris and materials, as well as the contents  
28 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and

1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
3 posting and mailing of this Order to Abate Nuisance.

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

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

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. 457 (RCC Chapter 15.12) and 725 (RCC Chapter 1.16). Under Riverside  
22 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
23 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be  
24 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
25 costs associated with the removal or correction of the violation." Reasonable abatement costs  
26 accrued by the Code Enforcement Department will be recoverable from THE OWNER even if THE

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1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate  
2 Nuisance.

3  
4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

7  
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11  
12 By

13 Deputy

14 (SEAL)

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FORM APPROVED COUNTY COUNSEL  
BY: L. ALEXANDRA FONG DATE 9/29/10