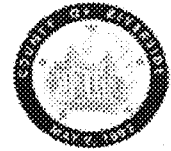


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

712B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17, 2010

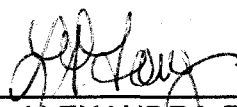
SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 08-10358 (FEDERAL NATL MORTGAGE ASSN)
Subject Property: 20125 Bibbins Drive, Perris, APN: 322-040-023
District: 1

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-10358 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 08-10358; 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 08-10358.

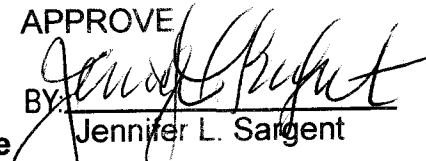
Departmental Concurrence

(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: 
Jennifer L. Sargent
County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Abatement of Public Nuisance
Case No. CV 08-10358; FEDERAL NATL MORTGAGE ASSN
20125 Bibbins Drive, Perris
Page 2

BACKGROUND:

On October 19, 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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-10358
12 [SUBSTANDARD STRUCTURE]; APN 322-040-)
13 023, 20125 BIBBINS DRIVE, PERRIS,) FINDINGS OF FACT,
14 RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 FEDERAL NATIONAL MORTGAGE) ABATE NUISANCE
ASSOCIATION, OWNER.)
[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on October 19, 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 20125 Bibbins Drive, Perris, Riverside County, Assessor's Parcel Number 322-
20 040-023 and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, 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 structure on THE PROPERTY as violation of
26 Riverside County Ordinance No. 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 Federal National Mortgage Association ("OWNER").

4 2. Documents of title indicate that one other party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Great Pacific Money Markets, Inc. ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 28, 2009,
7 November 30, 2009, February 10, 2010, March 17, 2010, May 19, 2010, June 25, 2010, July 16,
8 2010 and October 5, 2010.

9 4. During each inspection, a substandard structure (barn) was observed on THE
10 PROPERTY. The structure contained numerous deficiencies, including but not limited to: lack of
11 required electrical lighting; hazardous wiring; members of walls, partitions or other vertical supports
12 that split, lean, list or buckle due to defective material or deterioration; faulty weather protection;
13 general dilapidation or improper maintenance.

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

16 6. A Notice of Noncompliance was recorded on June 21, 2010, as Document Number
17 2010-0284828 in the Office of the County Recorder, County of Riverside.

18 7. On August 28, 2009, a Notice of Violation, Notice of Defects, and a "Danger Do Not
19 Enter" sign were posted on THE PROPERTY. On September 1, 2009 and May 27, 2010, Notices of
20 Violation for the substandard structures were mailed to OWNER and on May 27, 2010 was mailed to
21 INTERESTED PARTY by certified mail, return receipt requested.

22 8. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
24 19, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
25 PARTY and was posted on THE PROPERTY on October 5, 2010.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on October 19, 2010, finds and concludes that:

1 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
2 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
3 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
4 PROPERTY.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
15 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
16 expenses reasonably related to the abatement of conditions which violate County Land Use
17 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
18 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
19 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.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13 By

14 Deputy

15 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. Alex Fong 11/2/10
DATE
L. ALEXANDRA FONG