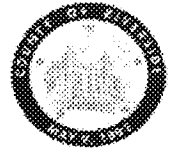


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

714B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV 10-02236 (VALENZUELA)
Subject Property: 83115 Rue Paray, Thermal; APN: 767-434-005
District: 4

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02236 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 10-02236; 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 10-02236.

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:

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Abatement of Public Nuisance
Case No. CV 10-02236 (VALENZUELA)
83115 Rue Paray, Thermal
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 (dwelling) and accumulated 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 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

6 WHEN RECORDED PLEASE MAIL TO:
7 L. Alexandra Fong, Deputy County Counsel
8 County of Riverside
9 OFFICE OF COUNTY COUNSEL
10 3960 Orange Street, Fifth Floor (Stop #1350)
11 Riverside, CA 92501

[EXEMPT'6103]

12 **BOARD OF SUPERVISORS**
13 **COUNTY OF RIVERSIDE**

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02236
15 [SUBSTANDARD STRUCTURE AND)
16 ACCUMULATION OF RUBBISH]; APN 767-434-)
17 005, 83115 RUE PARAY, THERMAL,) FINDINGS OF FACT,
18 RIVERSIDE COUNTY, CALIFORNIA; JOSE) CONCLUSIONS AND ORDER TO
19 LUIS VALENZUELA, OWNER.) ABATE NUISANCE
20) [R.C.O. Nos. 457 (RCC Title 15), 541
21) (RCC Title 8) and 725 (RCC Title 1)]

22 The above-captioned matter came on regularly for hearing on October 19, 2010, before the
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
25 property described 83115 Rue Paray, Thermal, Riverside County, Assessor's Parcel Number 767-
26 434-005 and referred to hereinafter as "THE PROPERTY."

27 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
28 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

///

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Jose Luis Valenzuela ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Countrywide Home Loans, Inc. George Brautigam and Recontrust Company
6 (collectively referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 19, 2010,
8 April 27, 2010, May 4, 2010, July 6, 2010 and September 16, 2010.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE
10 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
11 contained numerous deficiencies, including but not limited to: hazardous wiring; defective or
12 deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or other
13 horizontal members which sag, split or buckle due to defective material or deterioration; faulty
14 weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: household trash, tires, scrap metal and furniture.

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

19 7. A Notice of Noncompliance was recorded on April 29, 2010, as Document Number
20 2010-0197115 in the Office of the County Recorder, County of Riverside.

21 8. On March 19, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not
22 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On March 26, 2010 and May
23 10, 2010, Notices of Violation for the substandard structure and accumulation of rubbish were mailed
24 to OWNER and on May 10, 2010 were mailed to INTERESTED PARTIES by certified mail, return
25 receipt requested.

26 9. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
28 19, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED

1 PARTIES and was posted on THE PROPERTY on September 16, 2010.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
6 real property located at 83115 Rue Paray, Thermal, Riverside County, California, also identified as
7 Assessor's Parcel Number 767-434-005 violates Riverside County Ordinance Nos. 457 (RCC Chapter
8 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNER, Jose Luis Valenzuela, or anyone having possession or
27 control of THE PROPERTY, by razing and removing the substandard structure including the removal
28 and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction

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

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

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

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

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
7 expenses reasonably related to the abatement of conditions which violate County Land Use
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
11 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
12 (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: 11/27/10
ALEXANDRA FONG