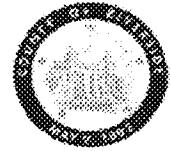


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

710B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case Nos. : CV 08-10852 & CV 09-05454 (ESTATE OF JACKSON)
Subject Property: 12070 Theodore Street, Moreno Valley; APN: 422-020-003
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10852 & CV 09-05454 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 08-10852 & CV 09-05454; 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 08-10852 & CV 09-05454.

Departmental Concurrence

(Continued)

L. Alexandra Fong

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: *Jennife L. Sargent*

Jennife L. Sargent

County Executive Office Signature

- | | |
|---|---------------------------------|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |

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

Abatement of Public Nuisance
Case Nos. CV 08-10852 & CV 09-05454 (ESTATE OF JACKSON)
12070 Theodore Street, Moreno Valley
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:
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 08-10852 &
12 [SUBSTANDARD STRUCTURE AND) CV 09-05454
ACCUMULATION OF RUBBISH]; APN 422-020-)
13 003, 12070 THEODORE STRET, MORENO) FINDINGS OF FACT,
VALLEY, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 ESTATE OF ROBERT N. JACKSON, OWNER.) ABATE NUISANCE
15)
16) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on October 19, 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 12070 Theodore Street, Moreno Valley, Riverside County, Assessor's Parcel
21 Number 422-020-003 and referred to hereinafter as "THE PROPERTY."

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

24 No one appeared on behalf of owner.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 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 Estate of Robert N. Jackson ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: State Board of Equalization ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 27, 2009,
7 October 21, 2009, December 11, 2009, March 11, 2010, July 14, 2010 and September 14, 2010.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
10 contained numerous deficiencies, including but not limited to: lack of improper water closet, lavatory,
11 bathtub, shower or kitchen sink; lack of required electrical lighting; lack of adequate heating facilities;
12 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective
13 material or deterioration; faulty weather protection; general dilapidation or improper maintenance;
14 public and attractive nuisance; abandoned/vacant.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: five gallon pain cans, construction waste, household
17 rubbish, a dead coyote and green waste.

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

20 7. A Notice of Noncompliance was recorded on August 13, 2009, as Document Number
21 2009-0421079 in the Office of the County Recorder, County of Riverside.

22 8. On July 27, 2009, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter"
23 and a "Do Not Dump" sign were posted on THE PROPERTY. On August 4, 2009, November 12,
24 2009, December 18, 2009 and April 9, 2010, Notices of Violation for the substandard structure and
25 accumulation of rubbish were mailed to OWNER and on November 12, 2009 were mailed to
26 INTERESTED PARTY by certified mail, return receipt requested.

27 9. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October

1 19, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
2 PARTY and was posted on THE PROPERTY on September 14, 2010.

3 **FINDINGS AND CONCLUSIONS**

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

6 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
7 real property located at 12070 Theodore Street, Moreno Valley, Riverside County, California, also
8 identified as Assessor's Parcel Number 422-020-003 violates Riverside County Ordinance Nos. 457
9 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

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

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
27 PROPERTY be abated by the OWNER, Estate of Robert N. Jackson, or anyone having possession or
28 control of THE PROPERTY, by razing and removing the substandard structure including the removal

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

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

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

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

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

1 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
2 owner's consent or a Court Order when necessary under applicable law.

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

14
15 Dated: _____

COUNTY OF RIVERSIDE

16
17 By _____
18 Marion Ashley
19 Chairman, Board of Supervisors

20 ATTEST:

21 KECIA HARPER-IHEM

22 Clerk to the Board

23 By

24 Deputy

25 (SEAL)