

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

801B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 23, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-02264 (RICE)
Subject Property: 53610 Marian View Drive, Idyllwild; APN: 561-122-020
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02264 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 10-02264; 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 10-02264.

(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

Jennifer L. Sargent
BY: Jennifer L. Sargent

County Executive Office Signature

Dep't Recomm.:	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy
Per Exec. Ofc.:	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Policy

Abatement of Public Nuisance
Case No. CV 10-02264; RICE
53610 Marian View Drive, Idyllwild
Page 2

BACKGROUND:

On November 2, 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) 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)
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5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02264
12 [SUBSTANDARD STRUCTURE]; APN 561-122-)
022, 53610 MARIAN VIEW DRIVE,) FINDINGS OF FACT,
13 IDYLLWILD, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; JUDIE A. RICE, OWNER.) ABATE NUISANCE
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 November 2, 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 53610 Marian View Drive, Idyllwild, Riverside County, Assessors' Parcel Number
20 561-122-020 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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1 **SUMMARY OF EVIDENCE**

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 22, 2010,
7 April 28, 2010, June 30, 2010, July 28, 2010, October 14, 2010 and October 28, 2010.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure contained numerous deficiencies, including but not limited to: hazardous
10 wiring; deteriorated or inadequate foundation; members of walls, partitions or other vertical supports
11 that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs,
12 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective
13 material or deterioration; dampness of habitable rooms; general dilapidation or improper maintenance;
14 public and attractive nuisance.

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

17 6. A Notice of Noncompliance was recorded on March 30, 2010, as Document Number
18 2010-0143964 in the Office of the County Recorder, County of Riverside.

19 7. On March 22, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not
20 Enter" sign was posted on THE PROPERTY. On March 23, 2010 and March 26, 2010, Notices of
21 Violation and Notice of Defects were mailed to OWNER by certified mail, return receipt requested.

22 8. On October 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
24 November 2, 2010, was mailed by certified mail, return receipt requested, to OWNER and was
25 posted on THE PROPERTY on October 14, 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 November 2, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) on the real property located at 53610 Marian View Drive, Idyllwild, Riverside County, California, also identified as Assessor's Parcel Number 561-122-020 violates Riverside County Ordinance No. 457 (RCC Chapter 15.12) and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE PROPERTY be abated by the OWNER, Judie A. Rice, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural debris and materials, shall be abated by representatives of the Riverside County

1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
3 PROPERTY.

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

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

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FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG / 4/22/10 / DATE

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.

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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)