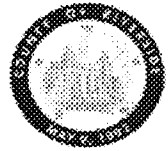


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

127B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV09-12322 [KET CORPORATION]
Subject Property: 22230 Fisher Street, Perris; APN: 325-181-030
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12322 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 09-12322; 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 09-12322.

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: *Jennifer L. Sargent*

Jennifer L. Sargent

County Executive Office Signature

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

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

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

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 9.6

District: 5

Agenda Number:

2.17

Abatement of Public Nuisance
Case No. CV09-12322 [KET CORPORATION]
22230 Fisher Street, Perris
Page 2

BACKGROUND:

On December 7, 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 (four single family residences) 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, Suite 500 (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 09-12322
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APN 325-181-)
13 030, 22230 FISHER STREET, PERRIS, COUNTY) FINDINGS OF FACT,
OF RIVERSIDE, STATE OF CALIFORNIA; KET) CONCLUSIONS AND ORDER TO
14 CORPORATION, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on December 7, 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 22230 Fisher Street, Perris, Assessor's Parcel Number 325-181-030 and referred
20 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 JL Hughes appeared on behalf of KET Corporation, and addressed the Board of Supervisors.
24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together with
25 attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

28 \\\

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as KET Corporation (“OWNER”).

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 9,
7 2009, January 12, 2010, March 18, 2010 and December 3, 2010.

8 4. During each inspection, four substandard structures (family residences) were observed
9 on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
10 structures contained numerous deficiencies, including but not limited to: were observed to be
11 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not
12 limited to: defective or deteriorated flooring or floor supports; members of walls, partitions or other
13 vertical supports that split, lean, list or buckle due to defective materials or deterioration; members of
14 ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to
15 defective material or deterioration; dampness of habitable rooms; faulty weather protection; general
16 dilapidation or improper maintenance; and public and attractive nuisance – abandoned/vacant.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: scrap wood, tires, scrap metal, garage doors, damaged
19 chassis and poly drums.

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

22 7. A Notice of Noncompliance was recorded on December 24, 2009, as Document
23 Number 2009-0660816 in the Office of the County Recorder, County of Riverside.

24 8. On December 9, 2009, Notice of Violations, Notices of Defects, a “Danger Do Not
25 Enter” and a “Do Not Dump” signs were posted on THE PROPERTY. On December 10, 2009,
26 Notices of Violations for the substandard structures and accumulation of rubbish were mailed to
27 OWNER by certified mail, return receipt requested.

28 9. On March 15, 2010, a “Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on May 18,
2 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
3 PARTIES and was posted on THE PROPERTY on March 18, 2010.

4 10. On May 25, 2010, a “Continuation Notice to Correct County Ordinance Violations
5 and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
6 July 13, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
7 PARTIES and was posted on THE PROPERTY on May 26, 2010.

8 11. On July 15, 2010, a “Continuation Notice to Correct County Ordinance Violations and
9 Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
10 September 14, 2010, was mailed by certified mail, return receipt requested, to OWNER and
11 INTERESTED PARTIES and was posted on THE PROPERTY on July 21, 2010.

12 12. On September 15, 2010, a “Continuation Notice to Correct County Ordinance
13 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
14 Supervisors on November 9, 2010, was mailed by certified mail, return receipt requested, to OWNER
15 and INTERESTED PARTIES and was posted on THE PROPERTY on September 17, 2010.

16 13. On November 10, 2010, a “Continuation Notice to Correct County Ordinance
17 Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of
18 Supervisors on December 7, 2010, was mailed by certified mail, return receipt requested, to OWNER
19 and INTERESTED PARTIES and was posted on THE PROPERTY on November 12, 2010.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
22 regular session assembled on December 7, 2010, finds and concludes that:

23 1. WHEREAS, the substandard structures (family residences) and accumulation of
24 rubbish on the real property located at 22230 Fisher Street, Perris, County of Riverside, State of
25 California, also identified as Assessor's Parcel Number 325-181-030 violates Riverside County
26 Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and constitutes a public
27 nuisance.

28 2. WHEREAS, the OWNER, occupants and any person having possession or control of

1 THE PROPERTY shall abate the substandard structures condition by razing, removing and disposing
2 of the substandard structures, including the removal and disposal of all structural debris and
3 materials, and contents therein or by reconstruction and rehabilitation of said structures provided that
4 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
5 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days.

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

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

14 **ORDER TO ABATE NUISANCE**

15 IT IS THEREFORE ORDERED that the substandard structures (family residences) on THE
16 PROPERTY be abated by the OWNER, KET Corporation, or anyone having possession or control of
17 THE PROPERTY, by razing and removing the substandard structures including the removal and
18 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and
19 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished
20 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
21 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
22 Nuisance.

23 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
24 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
26 of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
27 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
28 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's

1 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
2 PROPERTY.

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

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

14 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
15 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
16 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
17 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
18 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
19 owner's consent or a Court Order when necessary under applicable law.

20 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
21 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
22 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
23 County Ordinance Nos. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC
24 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
25 expenses reasonably related to the abatement of conditions which violate County Land Use
26 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
27 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
28 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 12/23/10 / DATE
L. ALEXANDRA FONG

L:\Code Enforcement\Abatements\2010\2009\CV09-12322\457 and 541 FOF.DOC