

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

404B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-02894 [CARTER]
Subject Property: 41188 Gibbel Road, Hemet; APN: 450-210-005
District: Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02894 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 10-02894; 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 10-02894.

L. Alexandra Fong

(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*
Jennifer L. Sargent

County Executive Office Signature

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

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

Abatement of Public Nuisance
Case No.: CV10-02894 [CARTER]
41188 Gibbel Road, Hemet
District Three
Page 2

BACKGROUND:

On January 11, 2011, 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 (main 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)
3
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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 10-02894
12 [SUBSTANDARD STRUCTURE]; APN 450-210-)
005, 41188 GIBBEL ROAD, HEMET, COUNTY) FINDINGS OF FACT,
13 OF RIVERSIDE, STATE OF CALIFORNIA;) CONCLUSIONS AND ORDER TO
WILLIAM R. CARTER, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 457 (RCC Title 15)]

16 The above-captioned matter came on regularly for hearing on January 11, 2011, 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 41188 Gibbel Road, Hemet, Assessor's Parcel Number 450-210-005 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 No one appeared on behalf of owner but attorney Craig Hardwick appeared on behalf of a
24 new interested party IBM Lender Business Process Services, Inc.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
27 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 William R. Carter ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: JP Morgan Chase Bank, NA ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 28, 2010,
7 September 16, 2010, December 16, 2010 and January 6, 2011.

8 4. During each inspection, one substandard structure (main dwelling) was observed on
9 THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
10 structures contained numerous deficiencies, including but not limited to: hazardous plumbing; lack of
11 required electrical lighting; hazardous wiring; members of ceilings, roofs, ceiling and roof supports or
12 other horizontal members which sag, split or buckle due to defective material or deterioration; faulty
13 weather protection; general dilapidation or improper maintenance; and abandoned/vacant, public and
14 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 July 19, 2010, as Document Number
18 2010-0335472 in the Office of the County Recorder, County of Riverside.

19 7. On April 28, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not
20 Enter" sign was posted on THE PROPERTY. On April 29, 2010, a Notice of Violation for the
21 substandard structure was mailed to OWNER by certified mail, return receipt requested.

22 8. On December 14, 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 January
24 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
25 PARTY and was posted on THE PROPERTY on December 16, 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 January 11, 2011, finds and concludes that:

1 therein, and structural debris and materials, may 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) and 725 (RCC Chapter 1.16). Under Riverside
15 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
16 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
17 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
18 costs associated with the removal or correction of the

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