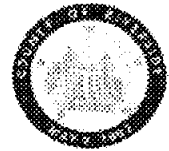


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

402B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV06-1580 [MENDEZ]
Subject Property: 70615 Miramar Dr., Mecca; APNs: 723-071-017 & 723-071-019
District: Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1580 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 06-1580; 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 06-1580.

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

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV06-1580
70615 Miramar Dr., Mecca
District Four
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 structures (dwelling, shed, guest house and free standing carport) 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
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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]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. : CV 06-1580
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APNS 723-)
13 071-017 AND 723-071-019, 70615 MIRAMAR) FINDINGS OF FACT,
DR., MECCA, COUNTY OF RIVERSIDE,) CONCLUSIONS AND ORDER TO
14 STATE OF CALIFORNIA; ROMAN MENDEZ,) ABATE NUISANCE
LAURA MENDEZ, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15), 541
15 (RCC Title 8) and 725 (RCC Title 1)]

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 70615 Miramar Dr., Mecca, Assessor's Parcel Numbers 723-071-017 and 723-
20 071-019 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 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.

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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 Roman Mendez and Laura Mendez ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: SMTD Corporation, Carlos J. Ortega as Trustee of the O.O. Irrevocable Trust
6 Established May 28, 1993, Oscar Ortega, Ramona Ortega, Sergio Mendez, Demetrio Mendez,
7 Demitrus Mendez, Sonya Campos and Marcos Campos ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 21, 2007,
9 October 12, 2007, April 7, 2008, August 27, 2008, September 30, 2008, November 24, 2008,
10 December 29, 2008, January 29, 2009, February 24, 2009, March 30, 2009, April 28, 2009, May 27,
11 2009, September 29, 2009, October 26, 2009, December 2, 2009, March 1, 2010, May 13, 2010, July
12 19, 2010 and December 20, 2010.

13 4. During each inspection, four substandard structures (dwelling, shed, guest house and
14 free standing carport) were observed on THE PROPERTY. The structures were observed to be
15 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not
16 limited to: were observed to be abandoned, dilapidated and vacant. The structures contained
17 numerous deficiencies, including but not limited to: hazardous wiring; defective or deteriorated
18 flooring or floor supports; faulty weather protection – deteriorated or ineffective weather proofing of
19 exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall
20 covering; public and attractive nuisance; general dilapidation or improper maintenance; and members
21 of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due
22 to defective material or deterioration.

23 5. During each inspection an accumulation of rubbish was observed throughout THE
24 PROPERTY consisting of but not limited to: wood, plastic, two RV axle frames, rock, a 50 gallon
25 drum of oil, camper shells, appliances, two couches, weight lifting bench, tires, auto parts, wheel
26 barrow and general household debris.

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

1 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the substandard structures (dwelling, shed, guest house
9 and free standing carport) on THE PROPERTY be abated by the OWNERS, Roman Mendez and
10 Laura Mendez, or anyone having possession or control of THE PROPERTY, by razing and removing
11 the substandard structures including the removal and disposal of all structural debris and materials, as
12 well as the contents therein, or by reconstruction and rehabilitation of said structures provided such
13 reconstruction and rehabilitation 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 of the posting and mailing of this Order to Abate Nuisance.

16 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
17 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
18 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
19 of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
20 therein, and structural debris and materials, may be abated by representatives of the Riverside County
21 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
22 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
23 PROPERTY.

24 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
25 asbestos containing materials in said structures by survey and materials sample testing by a duly
26 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
27 the removal of all asbestos containing materials discovered through such survey and testing by
28 contract with a duly certified and licensed contractor for the handling of such materials to avoid

1 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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

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

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1 recoverable from the OWNERS 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: Alexandra Fong 1/26/11 DATE
L. ALEXANDRA FONG

L:\Code Enforcement\Abatements\2010\2006\CV06-1580\457 and 541 FOF.DOC