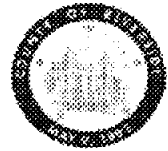


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

410B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 09-12651 [YOUNGMAN]
Subject Property: 22640 Forrest Road, Perris; APN: 323-060-013
District: Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12651 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 09-12651; 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 09-12651.

(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*

County Executive Office Signature Jennifer L. Sargent

- Policy
- Consent
- Policy
- Consent

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV09-12651
22640 Forrest Road, Perris
District Five
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 (storage building and detached garage) 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
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 09-12651
12 [SUBSTANDARD STRUCTURES]; APN 323-)
060-013, 22640 FORREST ROAD, PERRIS,)
13 COUNTY OF RIVERSIDE, STATE OF) FINDINGS OF FACT,
CALIFORNIA; MICHAEL A. YOUNGMAN,) CONCLUSIONS AND ORDER TO
14 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 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 22640 Forrest Road, Perris, Assessor's Parcel Number 323-060-013 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.

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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SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: MAB, Inc., RPST, John D. Wahlin, Mary A. Cox, Trustee, ATI Title Company,
6 Lagunita Investments, Custom Realty Services, Inc., Metier Realty, Inc., Annette Johnston, Herbert
7 Johnson and Oceana Financial Services ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 18,
9 2010, April 1, 2010, June 25, 2010, August 31, 2010 and January 7, 2011.

10 4. During each inspection, two substandard structures (storage building and detached
11 garage) were observed on THE PROPERTY. The structures were observed to be abandoned,
12 dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to:
13 members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective
14 material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation
15 or improper maintenance; public and attractive nuisance; lack of hot and cold running water to
16 plumbing fixtures; hazardous wiring; defective or deteriorated flooring or floor supports; members of
17 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due
18 to defective material or deterioration; and unpermitted structures.

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

21 6. A Notice of Noncompliance was recorded on March 17, 2010, as Document Number
22 2010-0123100 in the Office of the County Recorder, County of Riverside.

23 7. On February 18, 2010, Notices of Violation, Notice of Defects and a "Danger Do Not
24 Enter" sign was posted on THE PROPERTY. On March 5, 2010, Notices of Violation for the
25 substandard structures were mailed to OWNER and INTERESTED PARTIES by certified mail,
26 return receipt requested.

27 8. On August 23, 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 5, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
2 PARTIES and was posted on THE PROPERTY on August 31, 2010.

3 9. On October 7, 2010, a "Continued Notice to Correct County Ordinance Violations
4 and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
5 January 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and
6 INTERESTED PARTIES and was posted on THE PROPERTY on October 12, 2010.

7 FINDINGS AND CONCLUSIONS

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on January 11, 2011, finds and concludes that:

10 1. WHEREAS, the substandard structures (storage building and detached garage) on the
11 real property located at 22640 Forrest Road, Perris, Riverside County, California, also identified as
12 Assessor's Parcel Number 323-060-013 violates Riverside County Ordinance Nos. 457 (RCC Chapter
13 15.16) and constitutes a public nuisance.

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

20 3. WHEREAS, the OWNER AND INTERESTED PARTIES 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 structures (storage building and
27 detached garage) on THE PROPERTY be abated by the OWNER, Michael A. Youngman, or anyone
28 having possession or control of THE PROPERTY, by razing and removing the substandard structures

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

6 IT IS FURTHER ORDERED that if the substandard structures are 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 structures, contents
10 therein, and structural debris and materials, may 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 structures 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 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) and 725 (RCC Chapter 1.16). Under Riverside
24 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
25 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
26 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
27 costs associated with the removal or correction of the violation." Reasonable abatement costs
28 accrued by the Code Enforcement Department will be recoverable from the OWNER even if THE

1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 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: SAF / 1/27/11 / DATE
L. ALEXANDRA FONG