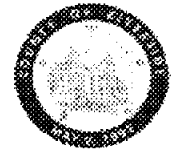


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 3, 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 08-09033 [WASHINGTON]
Subject Property: 22581 Martin Street, Perris; APN: 317-280-003
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-09033 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 08-09033; 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 08-09033.

(Continued)

L. A. BONG

L. ALEXANDRA BONG, 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:

County Executive Office Signature

Consent Policy
 Consent Policy

Dept' Recomm.:
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV08-09033 [WASHINGTON]
22581 Martin Street, Perris
District: One
Page 2

BACKGROUND:

On January 25, 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 (single family 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
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 08-09033
12 [SUBSTANDARD STRUCTURE]; APN 317-280-)
003, 22581 MARTIN STREET, PERRIS,) FINDINGS OF FACT,
13 COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
CALIFORNIA; EDIE WASHINGTON, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. No. 457 (RCC Title 15)]

16 The above-captioned matter came on regularly for hearing on January 25, 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 22581 Martin Street, Perris, Assessor's Parcel Number 317-280-003 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 Owner Edie Washington appeared and did not address the Board. Owner's engineer was
24 present but did not address the Board.

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.

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 Edie Washington ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Executive Trustee Services, LLC, New Century Mortgage Corporation and
6 MERS ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 27, 2008,
8 January 13, 2009, March 31, 2009, June 18, 2009, July 30, 2009, October 6, 2009, February 26,
9 2010, March 30, 2010, May 4, 2010, June 1, 2010, August 3, 2010, September 10, 2010, October 5,
10 2010, October 19, 2010, December 27, 2010 and January 21, 2011.

11 4. During each inspection, one substandard structure (single family dwelling) was on
12 THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
13 structures contained numerous deficiencies, including but not limited to: hazardous plumbing;
14 hazardous wiring; members of ceilings, roofs, ceiling and roof supports or other horizontal members
15 which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms;
16 faulty weather protection; and extensive fire damage.

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

19 6. A Notice of Noncompliance was recorded on June 21, 2010, as Document Number
20 2010-0284831 in the Office of the County Recorder, County of Riverside.

21 7. On October 27, 2008, a Notice of Violation, Notice of Defects and a "Danger Do Not
22 Enter" sign was posted on THE PROPERTY. On November 13, 2008, a Notice of Violation and
23 Notice of Defects were mailed to OWNER by certified mail, return receipt requested. On September
24 30, 2010, a Notice of Violation and Notice of Defects were mailed to the INTERESTED PARTIES
25 via certified mail, return receipt requested.

26 8. On December 23, 2010, a "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
28 25, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED

1 PARTIES and was posted on THE PROPERTY on December 27, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on January 25, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structure (single family dwelling) on the real property
6 located at 22581 Martin Street, Perris, Riverside County, California, also identified as Assessor's
7 Parcel Number 317-280-003 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.16)
8 and constitutes a public nuisance.

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

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

21 **ORDER TO ABATE NUISANCE**

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

1 to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
3 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
5 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
6 therein, and structural debris and materials, may be abated by representatives of the Riverside County
7 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
8 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
9 PROPERTY.

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

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

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FORM APPROVED COUNTY COUNSEL
BY: ALF / 2/2/10 / DATE
L. ALEXANDRA FONG

1 accrued by the Code Enforcement Department will be recoverable from the OWNER even if THE
2 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
3 Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13
14 By
15 Deputy
16 (SEAL)

17
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19
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22
23 L:\Code Enforcement\Abatements\2010\2008\CV08-09033\457 FOF.DOC