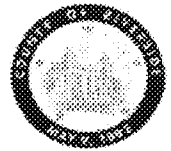


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
February 16 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 09-12380 [LOPEZ]
Subject Property: 21740 Martin Street, Perris; APN: 315-242-013
District: One

RECOMMENDED MOTION: Move that:

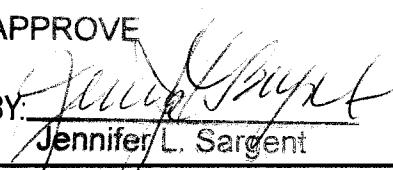
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12380 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 09-12380; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12380.

(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: 
County Executive Office Signature Jennifer L. Sargent

- Policy
- Policy
- Consent
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV09-12380 [LOPEZ]
21740 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 (accessory structure) 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 09-12380
12 [SUBSTANDARD STRUCTURE]; APN 315-242-)
013, 21740 MARTIN STREET, PERRIS,)
13 COUNTY OF RIVERSIDE, STATE OF) FINDINGS OF FACT,
CALIFORNIA; ANITA LOPEZ AND JULIE) CONCLUSIONS AND ORDER TO
14 LOPEZ, OWNERS.) 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 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 21740 Martin Street, Perris, Assessor's Parcel Number 315-242-013 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 Property Owner Julie Lopez appeared and did not address the Board.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure 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 Anita Lopez and Julie Lopez (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Standard Mortgage Financial Services, Inc., American Contractors Indemnity
6 Company and Anne Bartholetti (“INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 8, 2010,
8 October 18, 2010, December 27, 2010 and January 24, 2011.

9 4. During each inspection, one substandard structure (accessory structure) was observed
10 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
11 structures contained numerous deficiencies, including but not limited to: members of walls, partitions
12 or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
13 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
14 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
15 protection; fire hazard; extensive fire damage; and public and attractive nuisance.

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

18 6. A Notice of Noncompliance was recorded on March 9, 2010, as Document Number
19 2010-0107054 in the Office of the County Recorder, County of Riverside.

20 7. On June 8, 2010, a Notice of Violation, Notice of Defects and a “Danger Do Not
21 Enter” sign were posted on THE PROPERTY. On June 9, 2010, a Notice of Violation for the
22 substandard structure was mailed to OWNERS by certified mail, return receipt requested. On August
23 25, 2010, a Notice of Violation for the Substandard Structure was mailed to OWNERS and
24 INTERESTED PARTIES via certified mail return receipt requested.

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

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FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the substandard structure (accessory structure) on the real property located at 21740 Martin Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 315-242-013 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (accessory structure) on THE PROPERTY be abated by the OWNERS, Anita Lopez, Julie Lopez, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and

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

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

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

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1 costs associated with the removal or correction of the violation.” Reasonable abatement costs
2 accrued by the Code Enforcement Department will be recoverable from the OWNER even if THE
3 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
4 Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
Marion Ashley
Chairman, Board of Supervisors

9
10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13
14 By

15 Deputy

16 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: ALEXANDRA FONG / 2/9/11 / DATE

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23 LA\Code Enforcement\Abatements\2010\2009\CV09-12380\457 FOF.DOC