

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

131 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 16, 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 08-07026 [BONNER]
Subject Property: 21691 Orange Ave., Perris; APN: 318-270-038
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-07026 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 08-07026; 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 08-07026.

Departmental Concurrence

(Continued)

L. A. 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: *Tina Grande*
Tina Grande

County Executive Office Signature

- | | |
|--|--|
| <input checked="" type="checkbox"/> Consent

<input type="checkbox"/> Policy | <input checked="" type="checkbox"/> Consent

<input type="checkbox"/> Policy |
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Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV08-07026 [BONNER]
21691 Orange Ave., Perris
APN# 318-270-038
District Five
Page 2

BACKGROUND:

On May 3, 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 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)
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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 GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-07026
12 [SUBSTANDARD STRUCTURE]; APN 318-270-)
038, 21691 ORANGE AVE., PERRIS, COUNTY) FINDINGS OF FACT,
13 OF RIVERSIDE, STATE OF CALIFORNIA;) CONCLUSIONS AND ORDER TO
ETTA BONNER, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

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17 The above-captioned matter came on regularly for hearing on May 3, 2011, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 21691 Orange Ave., Perris, Assessor's Parcel Number 318-270-038 and referred to
21 hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of Owner.

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 No. 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
3 of THE PROPERTY as Etta Bonner ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Saleh Hasbun Boostz, Inc., Scott Saltzman, Eleanor Sturman and Joyce
6 Enderle, Carlton Robinson, Maria Palavranoff, David Cassit and Elana Cassit – Trustees of the
7 Cassitt Family Trust Revocable Living Trust Dated 3/26/02, Tova Redbourn and Alan Redbourn,
8 Gloria Berlin-Trustee of the Morton William Berlin Sr. Revocable Living Trust Dated February 14,
9 2002, Ezra Cohen-Sitt and Mariam Cohen-Sitt – Trustees of the Ezra and Miriam Cohen-Sitt Trust
10 Dated April 16, 2004 and Mitchell Light and Margaret Light ("INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on February 5, 2009,
12 December 7, 2009, April 27, 2010, May 25, 2010, July 15, 2010, September 8, 2010, December 21,
13 2010, April 20, 2011, April 29, 2011 and May 2, 2011.

14 4. During each inspection, one substandard structure was observed on THE
15 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
16 contained numerous deficiencies, including but not limited to: lack of required electrical lighting;
17 hazardous wiring; lack of adequate heating facilities; members of walls, partitions or other vertical
18 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
19 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
20 defective material or deterioration; dampness of habitable rooms; general dilapidation or improper
21 maintenance; public and attractive nuisance – abandoned/vacant; and black mold in walls.

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

24 6. A Notice of Noncompliance was recorded on April 7, 2009, as Document Number
25 2009-0170284 in the Office of the County Recorder, County of Riverside.

26 7. On February 5, 2009, a Notice of Violation, Notice of Defects and a "Danger Do Not
27 Enter" sign was posted on THE PROPERTY. On March 27, 2009, a Notice of Violation and Notice
28 of Defects were mailed to OWNER by certified mail, return receipt requested.

1 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
2 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Title 1). Under
21 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
22 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
23 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
24 and the costs associated with the removal or correction of the Violation." Reasonable abatement

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1 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to
2 Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Y. Fong 6/5/11 DATE
L. ALEXANDRA FONG

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