

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

308B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
September 22, 2011

**SUBJECT:** Order to Abate [Substandard Structures]  
Case No: CV 10-00708 [CEBALLOS]  
Subject Property: 23385 Cowie Street, Perris, APN: 325-160-014  
District: Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-00708 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 10-00708; 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 10-00708.

(Continued)

PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:  
Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
Departmental Concurrence

Abatement of Public Nuisance  
Case No.: CV10-00708 [CEBALLOS]  
23385 Cowie Street, Perris  
APN#325-160-014  
District 5  
Page 2

**BACKGROUND:**

On September 13, 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 two (2) substandard structures (hay barn and stable) 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:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)  
5

6 WHEN RECORDED PLEASE MAIL TO:  
7 Patricia Munroe, Deputy County Counsel  
8 County of Riverside  
9 OFFICE OF COUNTY COUNSEL  
10 3960 Orange Street, Suite 500 (Stop #1350)  
11 Riverside, CA 92501

[EXEMPT GC §§6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-00708  
12 [SUBSTANDARD STRUCTURES]; APN 325- )  
13 160-014, 23385 COWIE STREET, PERRIS, ) FINDINGS OF FACT,  
14 RIVERSIDE COUNTY, CALIFORNIA; ADOLFO ) CONCLUSIONS AND ORDER TO  
15 CEBALLOS, OWNER. ) ABATE NUISANCE  
16 )  
17 ) [R.C.O. Nos. 457 and 725  
18 )

19 The above-captioned matter came on regularly for hearing on September 13, 2011, before the  
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
22 property described 23385 Cowie Street, Perris, Assessor's Parcel Number 325-160-014 and referred  
23 to hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising  
25 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

26 No one appeared on behalf of owner.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
28 with attached Exhibits, evidencing the two (2) substandard structures on THE PROPERTY as  
violation of Riverside County Ordinance Nos. 457 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  
3 of THE PROPERTY as Adolfo Ceballos ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in  
5 THE PROPERTY, to-wit: Argent Mortgage Company, LLC ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 1, 2010,  
7 September 27, 2010, December 1, 2010, March 10, 2011 and August 11, 2011.

8 4. During each inspection, two (2) substandard structures (hay barn and stable) were  
9 observed on THE PROPERTY. The structures contained numerous deficiencies, including but not  
10 limited to: members of walls, partitions or other vertical supports that split, lean, list or buckle due to  
11 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other  
12 horizontal members which sag, split or buckle due to defective material or deterioration; dampness  
13 of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public  
14 and attractive nuisance and unpermitted.

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

17 6. A Notice of Noncompliance was recorded on March 5, 2010, as Document Number  
18 2010-0102925 in the Office of the County Recorder, County of Riverside.

19 7. On February 1, 2010, Notices of Violation, Notice of Defects and a "Danger Do Not  
20 Enter" sign was posted on THE PROPERTY. On February 8, 2010 and January 7, 2011, Notices of  
21 Violation for the substandard structures were mailed to OWNER. On March 30, 2010, Notice of  
22 Violation was mailed to INTERESTED PARTY.

23 8. On August 9, 2011, a "Notice to Correct County Ordinance Violations and Abate  
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on  
25 September 13, 2011, was mailed to OWNER and INTERESTED PARTY and was posted on THE  
26 PROPERTY on August 11, 2011.

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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 September 13, 2011, finds and concludes that:

1. WHEREAS, the two (2) substandard structures (hay barn and stable) on the real property located at 23385 Cowie Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 325-160-014 violates Riverside County Ordinance Nos. 457 and constitutes a public nuisance.

2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structures condition by razing, removing and disposing of the substandard structures, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structures 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 PARTY IS 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 two (2) substandard structures (hay barn and stable) on THE PROPERTY be abated by the OWNER, Adolfo Ceballos, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures 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.

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

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

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

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1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of this Order to 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)