

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

517B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-01616 [IANNITTI]
Subject Property: 33620 Naranjo St., Lake Elsinore; APN: 383-183-025
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01616 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 10-01616; 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 10-01616.

(Continued)

PATRICIA MUNROE, 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

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.: CV10-01616 [IANNITTI]
33620 Naranjo St., Lake Elsinore
APN#383-183-025
District 1
Page 2

BACKGROUND:

On September 27, 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 (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)
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5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, 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]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-01616
12 [SUBSTANDARD STRUCTURE]; APN 383-183-)
025, 33620 NARANJO ST., LAKE ELSINORE,) FINDINGS OF FACT,
13 RIVERSIDE COUNTY, CALIFORNIA; ELISE) CONCLUSIONS AND ORDER TO
IANNITTI, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on September 27, 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 as 33620 Naranjo St., Lake Elsinore, Assessor's Parcel Number 383-183-025 and
20 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, 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 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 Elise Iannitti (“OWNER”).

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 2, 2010,
7 May 1, 2010, December 27, 2010, March 3, 2011, June 1, 2011 and August 25, 2011.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
10 contained numerous deficiencies, including but not limited to: lack of improper water closet,
11 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;
12 hazardous wiring; lack of adequate heating facilities; deteriorated or inadequate foundation;
13 defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical
14 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
15 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
16 defective material or deterioration; dampness of habitable rooms; faulty weather protection; general
17 dilapidation or improper maintenance; extensive fire damage; and public and attractive nuisance –
18 abandoned/vacant.

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

21 6. A Notice of Noncompliance was recorded on June 9, 2010, as Document Number
22 2010-0266045 in the Office of the County Recorder, County of Riverside.

23 7. On March 2, 2010, Notice of Violation, Notice of Defects and a “Danger Do Not
24 Enter” sign was posted on THE PROPERTY. On March 9, 2010, Notice of Violation was mailed to
25 OWNER by certified mail, return receipt requested.

26 8. On August 24, 2011, a “Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
28 September 27, 2011, was mailed by certified mail, return receipt requested, to OWNER and was

1 posted on THE PROPERTY on August 25, 2011.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on September 27, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structure (dwelling) on the real property located at
6 33620 Naranjo St., Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel
7 Number 383-183-025 violates Riverside County Ordinance Nos. 457 and constitutes a public
8 nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

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

1 IT IS FURTHER ORDERED that if the substandard structure is 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 structure, 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 structure 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)