

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

910B



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

**SUBMITTAL DATE:**  
November 10, 2010

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No: CV 10-03797 [MONTROYA and PINON]  
Subject Property: 18871 Harness Road, Riverside; APN: 285-310-023  
District: One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-03797 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 10-03797; 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 10-03797.

Departmental Concurrence

(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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
 Policy     Consent     Policy  
 Dept. Recomm.    Per Exec. Off.:

Abatement of Public Nuisance  
Case No.: CV10-03797[MONTOYA and PINON]  
18871 Harness Rd., Riverside  
APN#285-310-023  
District 1  
Page 2

**BACKGROUND:**

On October 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 (unpermitted barn) 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 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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-03797  
12 [SUBSTANDARD STRUCTURE]; APN 285-310- )  
023, 18871 HARNESS ROAD, RIVERSIDE, ) FINDINGS OF FACT,  
13 RIVERSIDE COUNTY, CALIFORNIA; JOSE P. ) CONCLUSIONS AND ORDER TO  
MONTOYA AND ENRIQUETA PINON, ) ABATE NUISANCE  
14 OWNERS. )  
15 ) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on October 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 as 18871 Harness Road, Riverside, Assessor’s Parcel Number 285-310-023 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 Owners appeared but did not address the Board of Supervisors.

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 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 owners  
3 of THE PROPERTY as Jose P. Montoya and Enriqueta Pinon (“OWNERS”).

4           2.       Documents of title indicate other parties may potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Paramount Residential Mortgage Group, Inc. and Mortgage Electronic  
6 Registration Systems, Inc. (collectively referred to as “INTERESTED PARTIES”).

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on May 5, 2010, July  
8 30, 2010, September 29, 2010, October 19, 2010, March 21, 2011, September 29, 2011 and October  
9 20, 2011.

10          4.       During each inspection, a substandard structure (unpermitted barn) was observed on  
11 THE PROPERTY. The structure was observed to be dilapidated. The structure contained numerous  
12 deficiencies, including but not limited to: hazardous plumbing; hazardous wiring; members of walls,  
13 partitions, or other vertical supports that split, lean, list or buckle due to defective material or  
14 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members  
15 which sag, split, or buckle due to defective material or deterioration; faulty weather protection -  
16 deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken  
17 windows or doors, lack of paint or other approved wall covering; general dilapidation or improper  
18 maintenance; improper occupancy.

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 September 17, 2010, as Document  
22 Number 2010-0447171 in the Office of the County Recorder, County of Riverside.

23          7.       On May 5, 2010, Notice of Violation, Notice of Defects and a “Danger Do Not Enter”  
24 sign was posted on THE PROPERTY. On May 20, 2010, Notice of Violation for the substandard  
25 structures was mailed to OWNERS by certified mail, return receipt requested and on August 17,  
26 2010 was mailed to INTERESTED PARTIES.

27          8.       A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
28 providing notice of the public hearing before the Board of Supervisors on October 25, 2011 was

1 mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structure (unpermitted barn) on the real property located  
6 at 18871 Harness Road, Riverside, Riverside County, California, also identified as Assessor's Parcel  
7 Number 285-310-023 violates Riverside County Ordinance Nos. 457 and constitutes a public  
8 nuisance.

9 2. WHEREAS, the OWNERS, occupants and any person having possession or control of  
10 THE PROPERTY shall abate the substandard structures 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 OWNERS AND INTERESTED PARTIES ARE HEREBY  
17 FURTHER NOTICED that the time within which judicial review of the administrative  
18 determinations made herein must be sought is ninety (90) days from the posting and mailing of the  
19 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of  
20 Civil Procedure Section 1094.6.

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structure (unpermitted barn) on THE  
23 PROPERTY be abated by the OWNERS, Jose P. Montoya and Enriqueta Pinon, or anyone having  
24 possession or control of THE PROPERTY, by razing and removing the substandard structure  
25 including the removal and disposal of all structural debris and materials, as well as the contents  
26 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and  
27 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
28 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the

1 posting and mailing of this Order 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)  
5 days 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, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
20 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
21 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
22 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
23 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the OWNERS 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)