

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

412B



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

**SUBMITTAL DATE:**  
December 28, 2011

**SUBJECT:** Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]  
Case Nos. : CV10-04959 and CV10-04860 [TORRES]  
Subject Property: 1 Parcel East of 43823 "D" St., Hemet; APN: 549-161-009  
District: Three

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV10-04959 and CV10-04860 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 Nos. CV10-04959 and CV10-04860; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV10-04959 and CV10-04860 .

(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: 

**County Executive Office Signature**

 Tina Grande

Consent  
 Policy  
 Consent  
 Policy

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

Abatement of Public Nuisance  
Case Nos.: CV10-04959 & CV10-04860 [TORRES]  
1 Parcel East of 43823 "D" St., Hemet  
APN#549-161-009  
District 3  
Page 2

**BACKGROUND:**

On November 1, 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 (detached accessory structure), excess outside storage and accumulation of rubbish 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 the 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 NOS. CV 10-04959 and  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE ) CV10-04860  
OUTSIDE STORAGE AND ACCUMULATION )  
13 OF RUBBISH]; APN 549-161-009, 1 PARCEL ) FINDINGS OF FACT,  
EAST OF 43823 "D" STREET, HEMET, ) CONCLUSIONS AND ORDER TO  
14 RIVERSIDE COUNTY, CALIFORNIA; THE ) ABATE NUISANCE  
ESTATE OF LUDIM TORRES, DECEDENT, )  
15 OWNER. ) R.C.O. Nos. 348, 457, 541 and 725

16  
17 The above-captioned matter came on regularly for hearing on November 1, 2011, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described 1 Parcel East of 43823 "D" Street, Hemet, Assessor's Parcel Number 549-161-  
21 009 and referred to hereinafter as "THE PROPERTY."

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

24 Owner's representative did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials  
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.  
28 348, 457 and 541 and as a public nuisance.

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as The Estate of Ludim Torres, Decedent (“OWNER”).

4           2.       Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Lake Hemet Municipal Water District, Terry and Cindy Bratten  
6 (“INTERESTED PARTIES”).

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on June 15, 2010,  
8 September 21, 2010, October 13, 2010, November 22, 2010, December 20, 2010, January 13, 2011,  
9 and October 5, 2011.

10          4.       During each inspection, a substandard structure (detached accessory structure) was  
11 observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and  
12 vacant. The structure contained numerous deficiencies, including but not limited to: deteriorated or  
13 inadequate foundation; members of walls, partitions or other vertical supports that split, lean list or  
14 buckle due to defective material or deterioration; members of ceiling, roofs, ceiling and roof supports  
15 or other horizontal members which sag, split, or buckle due to defective material or deterioration;  
16 faulty weather protection; general dilapidation or improper maintenance; fire hazard; and public and  
17 attractive nuisance.

18          5.       During each inspection an accumulation of rubbish and excess outside storage was  
19 also observed throughout THE PROPERTY consisting of but not limited to: equipment, tools, crates,  
20 hardware, scrap metal, green woody waste, truck shell, tires, batteries, household furniture and  
21 rubbish.

22          6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
23 Nos. 348, 457 and 541 by the Code Enforcement Officer.

24          7.       On October 20, 2010, Notices of Noncompliance for the substandard structure, excess  
25 outside storage and accumulated rubbish were recorded at the Riverside County Recorder’s Office as  
26 instrument numbers 2010-0502733 and 2010-0502734.

27          8.       On June 15, 2010, Notices of Violation, Notice of Defects and “Danger- Do Not  
28 Enter” signs were posted on THE PROPERTY. On June 21, 2010 and June 23, 2010, Notices of

1 Violation and Notice of Defects were mailed by certified mail, return receipt requested to OWNER.  
2 On October 20, 2010, Notices of Violation together with a Notice of Defects was mailed to  
3 INTERESTED PARTIES.

4 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
5 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
6 INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
9 regular session assembled on November 1, 2011, finds and concludes that:

10 1. WHEREAS, the substandard structure (detached accessory structure), excessive  
11 outside storage of materials and accumulation of rubbish on the real property located at 1 Parcel East  
12 of 43823 "D" Street, Hemet, Riverside County, California, also identified as Assessor's Parcel  
13 Number 549-161-009 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a  
14 public nuisance.

15 2. WHEREAS, the OWNER, occupants and any person having possession or control of  
16 THE PROPERTY shall abate the substandard structure (detached accessory structure) by razing,  
17 removing and disposing of the substandard structure, including the removal and disposal of all  
18 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said  
19 structure provided that said reconstruction or demolition can be accomplished in strict accordance  
20 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
21 457 within ninety (90) days.

22 3. WHEREAS, the OWNER, occupants and any other person having possession or  
23 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
24 materials by removing and disposing of all rubbish and excessive outside storage on THE  
25 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
26 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

27 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER  
28 NOTICED that the time within which judicial review of the administrative determinations made

1 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,  
2 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure  
3 Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structure (detached accessory structure)  
6 on THE PROPERTY be abated by the OWNER, specifically The Estate of Ludim Torres, Decedent,  
7 or anyone having possession or control of THE PROPERTY, by razing and removing the  
8 substandard structure including the removal and disposal of all structural debris and materials, as  
9 well as the contents therein, or by reconstruction and rehabilitation of said structure provided such  
10 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
11 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
12 days of the posting and mailing of this Order to Abate Nuisance.

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

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

27 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage  
28 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of

1 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of  
2 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including  
3 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the  
4 posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
6 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
7 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
8 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
9 outside storage of materials may be abated and disposed of by representatives of the Riverside  
10 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
11 owner's consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
15 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,  
16 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions  
17 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,  
18 investigation, collection and administrative costs, attorneys fees, and the costs associated with the  
19 removal or correction of the violation." Reasonable abatement costs accrued by the Code

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)