

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

904B



FROM: County Counsel/TLMA
Code Enforcement Department


SUBMITTAL DATE:
February 7 2012

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV10-03758 [ESTATE OF CHRISTENSEN]
Subject Property: 26220 Leon Road, Homeland; APN: 459-110-032
District: Five/Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-03758 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. CV10-03758; 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. CV10-03758.


(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.:

Abatement of Public Nuisance
Case No.: CV10-03758 [ESTATE OF CHRISTENSEN]
26220 Leon Road, Homeland
APN#459-110-032
District 5/3
Page 2

BACKGROUND:

On February 7, 2012, 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 structures (mobilehome, garage and unpermitted arbor) and accumulated rubbish 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
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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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-03758
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH];)
13 APN 459-110-032, 26220 LEON ROAD,) FINDINGS OF FACT,
HOMELAND, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; THE ESTATE OF CHERYL L.) ABATE NUISANCE
CHRISTENSEN, DECEDENT, OWNER.)
15 R.C.O. Nos. 457, 541 and 725
16

17 The above-captioned matter came on regularly for hearing on February 7, 2012, 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 as 26220 Leon Road, Homeland, Assessor's Parcel Number 459-110-032 and
21 referred to hereinafter as "THE PROPERTY."

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

25 Owner did not appear.

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

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner
4 of THE PROPERTY as The Estate of Cheryl L. Christensen, Decedent ("OWNER").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2010,
8 October 26, 2010 and January 21, 2012.

9 4. During each inspection, three (3) substandard structures (mobilehome, garage and
10 unpermitted arbor) were observed on THE PROPERTY. The structures were observed to be
11 dilapidated and contained numerous deficiencies, including but not limited to: lack of adequate
12 lighting; lack of adequate heating facilities; members of ceilings, roofs, ceiling and roof supports or
13 other horizontal members which sag, split or buckle due to defective material or deterioration;
14 members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective
15 material or deterioration; dampness of habitable rooms; faulty weather protection; general
16 dilapidation or improper maintenance; public and attractive nuisance - abandoned/vacant.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: discarded carpet, a broken air conditioning unit, green
19 waste and miscellaneous household trash.

20 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 No. 457 and 541 by the Code Enforcement Officer.

22 7. A Notice of Noncompliance was recorded on January 28, 2011, as Document Number
23 2011-0046777 in the Office of the County Recorder, County of Riverside.

24 8. On June 25, 2010, Notices of Violation, Notice of Defects, a "Danger Do Not Enter"
25 and a "Do Not Dump" sign were posted on THE PROPERTY. On July 23, 2010 and December 23,
26 2010, Notices of Violation for the substandard structures and accumulation of rubbish were mailed to
27 OWNER by certified mail, return receipt requested.

28 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"

1 providing notice of the public hearing before the Board of Supervisors on February 7, 2012, was
2 mailed to OWNER and was posted on THE PROPERTY.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on February 7, 2012, finds and concludes that:

6 1. WHEREAS, the substandard structures (mobilehome, garage and unpermitted arbor)
7 and accumulation of rubbish on the real property located at 26220 Leon Road, Homeland, Riverside
8 County, California, also identified as Assessor's Parcel Number 459-110-032 violates Riverside
9 County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

17 3. WHEREAS, the OWNER, occupants and any other person having possession or
18 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
19 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
20 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structures (mobilehome, garage and
27 unpermitted arbor) on THE PROPERTY be abated by the OWNER, The Estate of Cheryl L.
28 Christensen, Decedent, or anyone having possession or control of THE PROPERTY, by razing and

1 removing the substandard structures including the removal and disposal of all structural debris and
2 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
3 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
4 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
5 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

20 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
21 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
22 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
23 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
24 days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
26 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
27 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
28 accumulation of rubbish may be abated by representatives of the Riverside County Code

1 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or
10 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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4 Dated: _____

COUNTY OF RIVERSIDE

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By _____
John F. Tavaglione
Chairman, Board of Supervisors

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ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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