

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

108B



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

**SUBMITTAL DATE:**  
March 8, 2012

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV11-01572 [DROBNIK]  
Subject Property: 21751 Onaknoll Drive, Perris; APN: 286-250-054  
District: One/One

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-01572 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. CV11-01572; 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. CV11-01572.

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**

- |   |                                 |
|---|---------------------------------|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Policy |

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

Abatement of Public Nuisance  
Case No.: CV11-01572 [DROBNIK]  
21751 Onaknoll Drive, Perris  
APN#286-250-054  
District 1/1  
Page 2

**BACKGROUND:**

On February 28, 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 structure (unpermitted three story accessory structure) 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 11-01572  
12 [SUBSTANDARD STRUCTURE AND )  
ACCUMULATION OF RUBBISH]; )  
13 APN 286-250-054, 21751 ONAKNOLL DRIVE, ) FINDINGS OF FACT,  
PERRIS, RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
14 JOSEF C. DROBNIK, OWNER. ) ABATE NUISANCE  
15 ) R.C.O. Nos. 457, 541 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on February 28, 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 21751 Onaknoll Drive, Perris, Riverside, Assessor's Parcel Number 286-250-  
21 054 and 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 structure 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 Josef C. Drobnik ("OWNER").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Wells Fargo Bank, N.A., Fredrick Herzog and Golden State Foreclosure  
7 Services, Inc. (hereinafter collectively referred to as "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2011,  
9 April 7, 2011, June 8, 2011 and January 24, 2012.

10 4. During each inspection, a substandard structure (unpermitted three story accessory  
11 structure) was observed on THE PROPERTY. The structure contained numerous deficiencies,  
12 including but not limited to: hazardous wiring; defective or deteriorated flooring or floor supports;  
13 members of walls, partitions or other vertical supports that split, lean, lists or buckle due to defective  
14 material or deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal  
15 members which sag, split, or buckle due to defective material or deterioration; dampness of habitable  
16 rooms; faulty weather protection; general dilapidation or improper maintenance; public and attractive  
17 nuisance – abandoned or vacant.

18 5. During each inspection an accumulation of rubbish was observed throughout THE  
19 PROPERTY consisting of but not limited to: discarded furniture, trash and wood and construction  
20 debris.

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

23 7. A Notice of Noncompliance was recorded on March 22, 2011, as Document Number  
24 2011-0128239 in the Office of the County Recorder, County of Riverside.

25 8. On March 7, 2011, Notice of Violation, Notice of Defects, a "Danger Do Not Enter"  
26 and a "Do Not Dump" sign were posted on THE PROPERTY. On March 8, 2011, Notice of  
27 Violation for the substandard structure and accumulation of rubbish was mailed to OWNER and  
28 INTERESTED PARTIES by certified mail, return receipt requested.



1 **ORDER TO ABATE NUISANCE**

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

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

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

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

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

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

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)