

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



703B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
AUGUST 16, 2012

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No.: CV11-01054 [NEEDHAM]
Subject Property: 63137 Jeraboa Road, Mountain Center; APN: 636-174-003
District: 3/3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-01054 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. CV11-01054; 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. CV11-01054.

Departmental Concurrence

(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

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

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

Abatement of Public Nuisance
Case No.: CV11-01054 [NEEDHAM]
63137 Jeraboa Road, Mountain Center
APN#636-174-003
District 3/3
Page 2

BACKGROUND:

On July 31, 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 (shed, two residences and a tree house 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
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 11-01054
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH];)
13 APN 636-174-003, 63137 JERABOA ROAD,) FINDINGS OF FACT,
MOUNTAIN CENTER, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; THERESA KAY NEEDHAM,) ABATE NUISANCE
OWNER.)
15) R.C.O. Nos. 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on July 31, 2012, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 63137 Jeraboa Road, Mountain Center, Assessor's Parcel Number 636-174-003 and
21 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes,
23 Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement
24 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 Theresa Kay Needham ("OWNER").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: State of California Franchise Tax Board (hereinafter referred to as
7 "INTERESTED PARTY").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 26, 2011,
9 July 6, 2011, October 1, 2011, November 30, 2011, December 23, 2011, January 31, 2012, February
10 27, 2012, March 28, 2012, April 25, 2012, May 15, 2012 and July 30, 2012.

11 4. During each inspection, four (4) substandard structures (shed, 2 dwellings and a tree
12 house accessory structure) were observed on THE PROPERTY. The structures were observed to be
13 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but
14 not limited to: lack of adequate heating facilities; hazardous wiring; defective or deteriorated flooring
15 or floor supports; members of walls, partitions or other vertical supports that split, lean, lists or
16 buckle due to defective material or deterioration; members of ceiling, roofs, ceiling and roof
17 supports or other horizontal members which sag, split, or buckle due to defective material or
18 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or
19 improper maintenance; fire hazard; public and attractive nuisance – abandoned/vacant; graffiti.

20 5. During each inspection an accumulation of rubbish was observed throughout THE
21 PROPERTY consisting of but not limited to: used wood, scrap metal, household appliances, plastics,
22 household trash, two metal tanks and tires. The total area of rubbish was approximately sixteen
23 thousand nine hundred (16,900) square feet.

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

26 7. A Notice of Pendency of Administrative Proceedings was recorded on July 26, 2011,
27 as Document Number 2011-0327022 in the Office of the County Recorder, County of Riverside.

28 8. On May 26, 2011, Notices of Violation, Notice of Defects, a "Danger Do Not Enter"

1 and "Do Not Dump" signs were posted on THE PROPERTY. On June 2, 2011, Notices of Violation
2 for the substandard structures and accumulation of rubbish were mailed to OWNER by certified
3 mail, return receipt requested.

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 on July 31, 2012, was mailed
6 to OWNER and INTERESTED PARTY 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 July 31, 2012, finds and concludes that:

10 1. WHEREAS, the substandard structures (shed, 2 dwellings and a tree house accessory
11 structure) and accumulation of rubbish on the real property located at 63137 Jeraboa Road, Mountain
12 Center, Riverside County, California, also identified as Assessor's Parcel Number 636-174-003
13 violates Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

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

25 4. WHEREAS, the OWNER AND INTERESTED PARTY ARE HEREBY FURTHER
26 NOTICED that the time within which judicial review of the administrative determinations made
27 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
28 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure

1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

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

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

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

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

1 days of the date of this Order to Abate Nuisance.

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

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

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

Dated: _____

COUNTY OF RIVERSIDE

By _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)