

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

704B



FROM: TLMA – Code Enforcement Department

SUBMITTAL DATE:
March 13, 2014

SUBJECT: Abatement of Public Nuisance [Substandard Structure]
Case No: CV10-06305 [SACKETT]
Subject Property: 32699 Ortega Highway, Lake Elsinore; APN: 386-060-041
District: 1/1 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors move that:

1. The substandard structure (dwelling) on the real property located at 32699 Ortega Highway, Lake Elsinore, Riverside County, California, APN: 386-060-041 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not allow a substandard structure on the property.

Greg Flannery

GREG FLANNERY
Code Enforcement Official

(Continued)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/>
NET COUNTY	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Policy <input checked="" type="checkbox"/>
SOURCE OF FUNDS				Budget	
				For Fiscal Year:	

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: *Alexandra Fong* 3/13/14 DATE
L. ALEXANDRA FONG

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

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FORM 11: Abatement of Public Nuisance [Substandard Structure]

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RECOMMENDED MOTION (continued):

2. Kenneth James Sackett and Polena B. Sackett, the owners of the subject real property, or whoever has possession or control of the premises, be directed to abate the substandard structure by obtaining the required approvals from Riverside County Department of Building and Safety and rehabilitating or demolishing and removal of the same from the real property, including the removal and disposal of all debris and materials within ninety (90) days.

3. The owners be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.

4. If the owners, or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, may abate the substandard structure and contents therein, by removing the same from the real property.

5. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.

6. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the substandard structure (dwelling) on the real property is declared to be in violation of Riverside County Ordinance No. 457, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An initial inspection was made on the subject property by Code Enforcement Officer Jeremy Wagner on July 29, 2010. The Inspection revealed a substandard structure (dwelling) on the subject real property in violation of Riverside County Ordinance 457. The substandard conditions of the structure included, but were not limited to, the following: members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of the ceilings, roof, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

2. There have been approximately eleven follow up inspections, the last inspection being on November 7, 2013, revealed the property continues to be in violation of Riverside County Ordinance No. 457.

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3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of a substandard structure.

Impact on Citizens and Businesses

The abatement or rehabilitation of the current, substandard condition of the structure on the premises will mitigate the public and attractive nuisance and will reduce risk to adjacent property owners and to the general public.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS