

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

911B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 26, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV12-04435 [ESTATE OF TORRES]
Subject Property: 43823 D St., Hemet; APN: 549-161-025
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04435;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04435; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04435.

BACKGROUND:

Summary

On February 25, 2014, 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 (dwelling) located on the subject property to be a public nuisance. The Board ordered the property owner

(Continued)

PATRICIA MUNROE
Deputy County Counsel

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

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added

☐ Change Order

☐ A-30

☐ 4/5 Vote

Prev. Agn. Ref.: 02/25/14; 9.4

District: 3/3

Agenda Number:

2-8

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

FORM 11: Order to Abate [Substandard Structure]

Case No. CV12-04435 [ESTATE OF TORRES]

Subject Property: 43823 D St., Hemet; APN: 549-161-025

District: 3/3 [\$0.00]

DATE: March 26, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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 Michelle Cervantes, Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-04435
12 [SUBSTANDARD STRUCTURE];)
13 APN 549-161-025, 43823 D STREET, HEMET,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
14 ESTATE OF LUDIM TORRES, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on February 25, 2014, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 43823 D Street, Hemet, Assessor's Parcel Number 549-161-025 and referred to
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Estate of Ludim Torres ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: The Estate of Ludim Torres, Accredited Home Lenders, Inc., MERS, Mortgage One Corporation, Ceref Reo 11 LLC, MTC Financial, Inc., dba Trustee Corporation, Argent Mortgage Company, LLC (hereinafter collectively referred to as "INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on August 7, 2012, October 4, 2013, January 21, 2014 and February 24, 2014.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies, including but not limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 by the Code Enforcement Officer.

6. A Notice of Pendency of Administrative Proceedings was recorded on August 20, 2012, as Document Number 2012-0396751 in the Office of the County Recorder, County of Riverside.

7. On August 7, 2012, Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On August 8, 2012, Notice of Violation and Notice of Defects for the substandard structure was mailed to OWNER. On August 8, 2012 and March 26, 2013, a Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on February 25, 2014, was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on February 25, 2014, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) on the real property located at 43823 D Street, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-161-025 violates RCO No. 457 and constitutes a public nuisance.

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

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

ORDER TO ABATE NUISANCE

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

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

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

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

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8 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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