

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

1068



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV13-00930 [BOND AND THE ESTATE OF COLCLASURE]
Subject Property: 33099 Old Highway 74, Hemet; APN: 458-120-054
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. CV13-00930;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00930; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00930.

BACKGROUND:

Summary

On March 11, 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 structure (dwelling and detached accessory structure) located on the subject property to be a public nuisance. The

(Continued)

L. Alexandra Fong

L. ALEXANDRA FONG
Deputy County Counsel

Departmental Concurrence

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

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE
BY: *Tina Grande*
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 03/11/14; 9.2 | **District:** 3/3 | **Agenda Number:**

2-9

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

FORM 11: Order to Abate [Substandard Structures]

Case No. CV13-00930 [BOND AND THE ESTATE OF COLCLASURE]

Subject Property: 33099 Old Highway 74, Hemet; APN: 458-120-054

District: 3/3 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-00930
14 [SUBSTANDARD STRUCTURES];)
15 APN 458-120-054, 33099 OLD HIGHWAY 74,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
DORIS F. BOND AND THE ESTATE OF) ABATE NUISANCE
DONNA ANN COLCLASURE, OWNERS.)
[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on March 11, 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 33099 Old Highway 74, Hemet, Assessor's Parcel Number 458-120-054 and
20 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures 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

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Doris F. Bond and The Estate of Donna Ann Colclasure (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: the State of California Franchise Tax Board (hereinafter collectively referred to
6 as “INTERESTED PARTY”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2013,
8 March 19, 2013, March 26, 2013, April 11, 2013, June 20, 2013, October 8, 2013, and March 4,
9 2014.

10 4. During each inspection, two substandard structures (dwelling and detached accessory
11 structure) was observed on THE PROPERTY. The structures were observed to be dilapidated and
12 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
13 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;
14 hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor
15 supports; members of walls, partitions, or other vertical supports that split, lean, list or buckle due to
16 defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other
17 horizontal members which sag, split, or buckle due to defective material or deterioration; dampness
18 of habitable rooms; general dilapidation or improper maintenance; public and attractive nuisance –
19 abandoned/vacant.

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

22 6. A Notice of Pendency of Administrative Proceedings was recorded on May 13, 2013,
23 as Document Number 2013-0224587 in the Office of the County Recorder, County of Riverside.

24 7. On March 7, 2013, Notice of Violation, Notice of Defects and a “Danger Do Not
25 Enter” sign were posted on THE PROPERTY. On March 12, 2013 and November 5, 2013, a Notice
26 of Violation and Notice of Defects was mailed to OWNERS by first class mail. On May 8, 2013, a
27 Notice of Violation and Notice of Defects were mailed to INTERESTED PARTY by certified mail,
28 return receipt requested.

1 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
2 providing notice of the public hearing before the Board of Supervisors on March 11, 2014, was
3 mailed to OWNERS and INTERESTED PARTY and was posted on THE PROPERTY.

4 FINDINGS AND CONCLUSIONS

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on March 11, 2014, finds and concludes that:

7 1. WHEREAS, the substandard structures (dwelling and detached accessory structure)
8 on the real property located at 33099 Old Highway 74, Hemet, Riverside County, California, also
9 identified as Assessor's Parcel Number 458-120-054 violates RCO No. 457 and constitutes a public
10 nuisance.

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

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

22 ORDER TO ABATE NUISANCE

23 IT IS THEREFORE ORDERED that the substandard structures (dwelling and detached
24 accessory structure) on THE PROPERTY be abated by the OWNERS, or anyone having possession
25 or control of THE PROPERTY, by razing and removing the substandard structures including the
26 removal and disposal of all structural debris and materials, as well as the contents therein, or by
27 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation
28 can be accomplished in strict accordance with all Riverside County Ordinances, including but not

1 limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
2 Nuisance.

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

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

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

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1 Department will be recoverable from the OWNERS 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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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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FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 3/21/14
DATE

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