

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

303 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 16, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV10-06305 [SACKETT]
Subject Property: 32699 Ortega Highway, Lake Elsinore; APN: 386-060-041
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-06305.

BACKGROUND:

Summary

On March 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 structure (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 <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: _____
Budget Adjustment: _____
For Fiscal Year: _____

C.E.O. RECOMMENDATION:

APPROVE

B 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 03/25/14; 9.1

District: 1/1

Agenda Number:

2-2

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structure]
Case No. CV10-06305 [SACKETT]
Subject Property: 32699 Ortega Highway, Lake Elsinore; APN: 386-060-041
District: 1/1 [\$0.00]
DATE: April 16, 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 10-06305
12 [SUBSTANDARD STRUCTURE];)
13 APN 386-060-041, 32699 ORTEGA HIGHWAY,) FINDINGS OF FACT,
LAKE ELSINORE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; KENNETH JAMES SACKETT) ABATE NUISANCE
AND POLENA B. SACKETT, OWNERS.)
15) [R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on March 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 32699 Ortega Highway, Lake Elsinore, Assessor's Parcel Number 386-060-
20 041 and referred to 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 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 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

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2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Kenneth James Sackett and Polena B. Sackett ("OWNERS").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to-wit: American Reconveyance Services, Rosemary S. Volkmar, Jehan (AKA:
6 John) Volkmar, and Timothy Lewis (hereinafter collectively referred to as "INTERESTED
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 29, 2010, and
9 on approximately eleven (11) other occasions, the last being February 24, 2014.

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

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

19 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
20 County of Riverside, State of California, on October 14, 2010, as Instrument Number 2010-0491740.

21 A Notice of Pendency of Administrative Proceedings was recorded on March 1, 2013, as Document
22 Number 2013-0102288 in the Office of the County Recorder, County of Riverside.

23 7. On July 29, 2010, Notice of Violation, Notice of Defects and a "Danger Do Not
24 Enter" sign were posted on THE PROPERTY. On August 4, 2010 and April 12, 2011, a Notice of
25 Violation and Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by certified
26 mail with return receipt requested. On April 5, 2011 and April 18, 2013, a Notice of Violation and
27 Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by first class mail.

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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 25, 2014, was
3 mailed to OWNERS and INTERESTED PARTIES 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 25, 2014, finds and concludes that:

7 1. WHEREAS, the substandard structure (dwelling) on the real property located at
8 32699 Ortega Highway, Lake Elsinore, Riverside County, California, also identified as Assessor's
9 Parcel Number 386-060-041 violates RCO No. 457 and constitutes a public nuisance.

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

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
23 PROPERTY be abated by the OWNERS or anyone having possession or control of THE
24 PROPERTY, by razing and removing the substandard structure including the removal and disposal
25 of all structural debris and materials, as well as the contents therein, or by reconstruction and
26 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
27 in strict accordance with all Riverside County Ordinances, including but not limited to RCO No.
28 457 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 OWNERS are 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 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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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)