

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

617B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**

**SUBJECT:** Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish];  
Case No. CV11-08309 [TOMSON]  
Subject Property: 41035 Sunset Lane, Hemet; APN: 449-300-005  
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. CV11-08309;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08309; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08309.

**BACKGROUND:**

**Summary**

On April 8, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structure, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

*[Signature]*  
L. ALEXANDRA FONG  
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

BY: *[Signature]*

Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 04/08/14; 9.2

District: 3/3

Agenda Number:

2-12

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Order to Abate [Substandard Structure, Excessive Outside Storage &  
Accumulated Rubbish]**

Case No. CV11-08309 [TOMSON]

Subject Property: 41035 Sunset Lane, Hemet; APN: 449-300-005

District: 3/3 [\$0.00]

DATE:

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]

9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 11-08309  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE )  
OUTSIDE STORAGE AND ACCUMULATION )  
13 OF RUBBISH]; APN 449-300-005, 41035 ) FINDINGS OF FACT,  
SUNSET LANE, HEMET, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
14 COUNTY, CALIFORNIA; TIMOTHY N. ) ABATE NUISANCE  
TOMSON, OWNER. ) R.C.O. Nos. 348, 457, 541 and 725  
15 )  
16 )

17 The above-captioned matter came on regularly for hearing on April 8, 2014, 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 41035 Sunset Lane, Hemet, Riverside County, Assessor's Parcel Number 449-300-005 and  
21 referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials  
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.  
28 348, 457 and 541 and as a public nuisance.

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as Timothy N. Tomson (“OWNER”).

4           2.       Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Lake Hemet Municipal Water District, State of California Franchise Tax  
6 Board and Internal Revenue Service (“INTERESTED PARTIES”).

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on July 11, 2012, and  
8 on approximately six other occasions, the last being April 3, 2014.

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

20           5.       During each inspection an accumulation of rubbish and excess outside storage was  
21 also observed throughout THE PROPERTY consisting of but not limited to: metal, wood,  
22 construction materials, green waste and miscellaneous items in excess of 5,950 square feet.

23           6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
24 Nos. 348, 457 and 541 by the Code Enforcement Officer.

25           7.       On March 6, 2012, a Notice of Pendency of Administrative Proceedings as to the  
26 accumulated rubbish and excessive outside storage was recorded at the Riverside County Recorder’s  
27 Office as instrument number 2012-0101752. On August 20, 2012, a Notice of Pendency of  
28 Administrative Proceedings as to the substandard structure was recorded at the Riverside County

1 Recorder's Office as instrument number 2012-0396755.

2 8. On January 5, 2012 and July 11, 2012, a Notice of Violation, Notice of Defects and  
3 "Danger- Do Not Enter" signs were posted on THE PROPERTY. On January 10, 2012 and May 9,  
4 2013, Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED  
5 PARTIES by certified mail, return receipt requested. On July 12, 2012, a Notice of Violation was  
6 mailed to OWNER by certified mail with return receipt requested. On September 11, 2012, a Notice  
7 of Violation and Notice of Defects were mailed to INTERESTED PARTIES by first class mail and  
8 certified mail with return receipt requested.

9 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
10 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
11 INTERESTED PARTIES and was posted on THE PROPERTY.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
14 regular session assembled on April 8, 2014, finds and concludes that:

15 1. WHEREAS, the substandard structure (dwelling), excessive outside storage of  
16 materials and accumulation of rubbish on the real property located at 41035 Sunset Lane, Hemet,  
17 Riverside County, California, also identified as Assessor's Parcel Number 449-300-005 violates  
18 Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

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

26 3. WHEREAS, the OWNER, occupants and any other person having possession or  
27 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
28 materials by removing and disposing of all rubbish and excessive outside storage on THE

1 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
2 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

25 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
26 asbestos containing materials in said structure by survey and materials sample testing by a duly  
27 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
28 the removal of all asbestos containing materials discovered through such survey and testing by

1 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
2 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

3 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage  
4 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of  
5 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of  
6 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including  
7 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the  
8 posting and mailing of this Order to Abate Nuisance.

9 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
10 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
11 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
12 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
13 outside storage of materials may be abated and disposed of by representatives of the Riverside  
14 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
15 owner's consent or a Court Order when necessary under applicable law.

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. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,  
20 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions  
21 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,  
22 investigation, collection and administrative costs, attorneys fees, and the costs associated with the  
23 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought  
2 into 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)

FORM APPROVED COUNTY COUNSEL  
BY: Alexandra Fong DATE 5/16/14  
L. ALEXANDRA FONG