

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

905 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV13-02910 [CONAWAY]
Subject Property: 18625 Grand Avenue, Lake Elsinore; APN: 371-210-002
District: 1/1 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02910 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV13-02910; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02910.

BACKGROUND:

Summary

On June 3, 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 accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(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

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.: 06/03/14; 9.4

District: 1/1

Agenda Number:

2-16

Departmental Concurrence

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

FORM 11: Order to Abate [Substandard Structure & Accumulated Rubbish]

Case No. : CV13-02910 [CONAWAY]

Subject Property: 18625 Grand Avenue, Lake Elsinore; APN: 371-210-022

District: 1/1 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior 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 13-02910
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH];)
13 APN 371-210-002, 18625 GRAND AVENUE,) FINDINGS OF FACT,
LAKE ELSINORE, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; RETA CONAWAY, OWNER.) ABATE NUISANCE
15) R.C.O. Nos. 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on June 3, 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 as 18625 Grand Avenue, Lake Elsinore, Riverside, Assessor's Parcel Number 371-210-
21 002 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code 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 and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
28 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 Reta Conaway (“OWNER”).

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 8, 2013, July
7 16, 2013, August 14, 2013, September 9, 2013, December 2, 2013, and February 4, 2014.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be dilapidated. The structure contained numerous
10 deficiencies, including but not limited to: lack of or improper water closet, lavatory, bathtub, shower
11 or kitchen sink; hazardous plumbing; hazardous wiring; lack of adequate heating facilities;
12 deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members
13 of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle
14 due to defective material or deterioration; dampness of habitable rooms; faulty weather protection;
15 general dilapidation or improper maintenance.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: household trash and discarded furniture in excess of
18 500 square feet.

19 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 457 and 541 by the Code Enforcement Officer.

21 7. A Notice of Pendency of Administrative Proceedings was recorded on August 16,
22 2013, as Document Number 2013-0402653 in the Office of the County Recorder, County of
23 Riverside.

24 8. On July 8, 2013, a Notice of Violation, Notice of Defects, a “Danger Do Not Enter”
25 and a “Do Not Dump” sign were posted on THE PROPERTY. At this time and upon further
26 research, it was discovered that the PROPERTY OWNER was deceased and that family members
27 Little Fawn, Timothy Jones and Diana Jones had been paying property taxes on THE PROPERTY.
28 Collectively, Little Jones, Timothy Jones and Diana Jones are referred to as (“INTERESTED

1 PARTIES”). Additionally, THE PROPERTY is occupied by Bobby Kisner (hereinafter referred to
2 as “OCCUPANT”).

3 9. On August 13, 2013 and November 12, 2013, a Notice of Violation and Notice of
4 Defects were mailed to OWNER and OCCUPANT by first class mail.

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

8 **FINDINGS AND CONCLUSIONS**

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on June 3, 2014, finds and concludes that:

11 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
12 real property located at 18625 Grand Avenue, Lake Elsinore, Riverside County, California, also
13 identified as Assessor's Parcel Number 371-210-002 violates Riverside County Ordinance Nos. 457
14 and 541 and constitutes a public nuisance.

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

22 3. WHEREAS, the OWNER, occupants and any other person having possession or
23 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
24 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
25 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

26 4. WHEREAS, the OWNER AND INTERESTED PARTIES ARE HEREBY
27 FURTHER NOTICED that the time within which judicial review of the administrative
28 determinations made herein must be sought is ninety (90) days from the posting and mailing of the

1 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
2 Civil Procedure Section 1094.6.

3 **ORDER TO ABATE NUISANCE**

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

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

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

26 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
27 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
28 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
2 days of the date of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
4 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
5 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
6 accumulation of rubbish may be abated by representatives of the Riverside County Code
7 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
13 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
14 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
15 collection and administrative costs, attorneys fees, and the costs associated with the removal or
16 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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6 By _____
7 Jeff Stone
8 Chairman, Board of Supervisors

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9 ATTEST:

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10 KECIA HARPER-IHEM

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11 Clerk to the Board

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13 By

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14 Deputy

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15 (SEAL)

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