

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

904B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Substandard Structures]  
Case No. CV13-03306 [CARR]  
Subject Property: 40245 Newport Road, Hemet: 469-091-012  
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. CV13-03306;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03306; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03306.

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) 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

BY:

County Executive Office Signature

  
Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 06/03/14; 9.5

District: 3/3

Agenda Number:

2-17

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

**FORM 11:** Order to Abate [Substandard Structures]

Case No. CV13-03306 [CARR]

Subject Property: 40245 Newport Road, Hemet; APN: 469-091-012

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

6 WHEN RECORDED PLEASE MAIL TO:  
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 13-03306  
12 [SUBSTANDARD STRUCTURES]; )  
APN 469-091-012, 40245 NEWPORT ROAD, ) FINDINGS OF FACT,  
13 HEMET, RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
ROBERT M. CARR AND TAMARA ) ABATE NUISANCE  
14 BEVILACQUA CARR, OWNERS. )  
15 ) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on June 3, 2014, before the Board  
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
19 described as 40245 Newport Road, Hemet, Assessor's Parcel Number 469-091-012 and referred to  
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
22 Code 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**

1  
2 1. Documents of record in the Riverside County Recorder's Office identify the owners  
3 of THE PROPERTY as Robert M. Carr and Tamara Bevilacqua Carr ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Tamara Bevilacqua Clark, Loan Link Financial Services, Cal-West  
6 Reconveyance Corporation and MERS (hereinafter collectively referred to as "INTERESTED  
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 7, 2013,  
9 September 24, 2013, October 3, 2013, October 23, 2013, December 10, 2013, March 11, 2014, and  
10 June 2, 2014.

11 4. During each inspection, four substandard structures (dwelling, guest house, carport,  
12 and shed) were observed on THE PROPERTY. The structures were observed to be dilapidated and  
13 contained numerous deficiencies, including but not limited to: lack of or improper water closet,  
14 lavatory, bathtub, shower or kitchen sink; hazardous wiring; general dilapidation or improper  
15 maintenance; public and attractive nuisance – abandoned/vacant.

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

18 6. Notices of Pendency of Administrative Proceedings were recorded on October 7,  
19 2013, as Document Numbers 2013-0482260 and 2013-0482261 in the Office of the County  
20 Recorder, County of Riverside.

21 7. On August 7, 2012, Notice of Violation, Notice of Defects and a "Danger Do Not  
22 Enter" sign were posted on THE PROPERTY. On September 24, 2013, Notice of Violation and  
23 Notice of Defects for the substandard structures were mailed to OWNERS and INTERESTED  
24 PARTIES by certified mail with return receipt requested. On November 25, 2013, a Notice of  
25 Violation and Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by first  
26 class mail.

27 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
28 providing notice of the public hearing before the Board of Supervisors on June 3, 2014, was mailed

1 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structures (dwelling, guest house, carport, and shed) on  
6 the real property located at 40245 Newport Road, Hemet, Riverside County, California, also  
7 identified as Assessor's Parcel Number 469-091-012 violates RCO No. 457 and constitutes a public  
8 nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the substandard structures (dwelling, guest house,  
22 carport and shed) on THE PROPERTY be abated by the OWNERS or anyone having possession or  
23 control of THE PROPERTY, by razing and removing the substandard structures including the  
24 removal and disposal of all structural debris and materials, as well as the contents therein, or by  
25 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation  
26 can be accomplished in strict accordance with all Riverside County Ordinances, including but not  
27 limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
28 Nuisance.

1 IT IS FURTHER ORDERED that if the substandard structures are 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 structures 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.

3  
4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
7 Jeff Stone  
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)