

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

210B



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

**SUBMITTAL DATE:**

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV13-05153 [OTTESON, MEREDITH, DAVIS]  
Subject Property: 1 Parcel West of 61555 Kolby Rd., Mission Creek; APN: 671-170-006  
District: 5/5 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

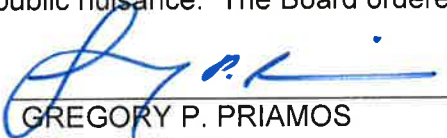
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-05153 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV13-05153; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-05153.

**BACKGROUND:**

**Summary**

On October 7, 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)

  
GREGORY P. PRIAMOS  
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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**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

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. : CV13-05153 [OTTESON, MEREDITH, DAVIS]

Subject Property: 1 Parcel West of 61555 Kolby Road, Mission Creek; APN: 671-170-006

District: 5/5 [\$0.00]

**DATE:**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary (continued)**

the property owners 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, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 13-05153  
12 [SUBSTANDARD STRUCTURE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 671-170-006, 1 PARCEL WEST OF 61555 ) CONCLUSIONS AND ORDER TO  
15 KOLBY ROAD, MISSION CREEK, RIVERSIDE ) ABATE NUISANCE  
16 COUNTY, CALIFORNIA; RITA I. OTTESON, )  
GERALD ALLEN MEREDITH, SANDRA ) R.C.O. Nos. 457, 541 and 725  
MEREDITH, REX C. DAVIS, OWNERS. )

17 The above-captioned matter came on regularly for hearing on October 7, 2014, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 1 Parcel West of 61555 Kolby Road, Mission Creek, Riverside, Assessor's  
21 Parcel Number 671-170-006 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code  
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners 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 owners  
3 of THE PROPERTY as Rita I. Otteson, Gerald Allen Meredith, Sandra Meredith, Rex C. Davis  
4 (“OWNERS”).

5 2. Documents of title indicate that other parties may potentially hold a legal interest in  
6 THE PROPERTY, to wit: Louis K. Davis and Bartrice E. Davis, Rita I. Otteson, Trustee of the Rita  
7 I. Otteson Trust dated October 21, 1993, Hazel Mae Wiger, Trustee of the Hazel Mae Wiger Trust  
8 dated October 21, 1993 (hereinafter collectively referred to as “INTERESTED PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on January 9, 2014,  
10 March 6, 2014, June 19, 2014, and on or about October 2, 2014.

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

18 5. During each inspection an accumulation of rubbish was observed throughout THE  
19 PROPERTY consisting of but not limited to: scrap wood, furniture, clothing, discarded air  
20 conditioner parts, rusted nails and other miscellaneous items in excess of 100 square feet.

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

23 7. A Notice of Pendency of Administrative Proceedings was recorded on January 27,  
24 2014, as Document Number 2014-0031140 in the Office of the County Recorder, County of  
25 Riverside.

26 8. On January 9, 2014, a Notice of Violation and a Notice of Defects, were posted on  
27 THE PROPERTY. On January 22, 2014 and April 29, 2014, a Notice of Violation and Notices of  
28 Defects was mailed to OWNERS and INTERESTED PARTIES by certified mail with return receipt

1 requested.

2 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
3 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and  
4 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
7 regular session assembled on October 7, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
9 real property located at 1 Parcel West of 61555 Kolby Road, Mission Creek, Riverside County,  
10 California, also identified as Assessor's Parcel Number 671-170-006 violates Riverside County  
11 Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

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

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

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**ORDER TO ABATE NUISANCE**

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

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

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

IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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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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