

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

605 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 19, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV13-03584 [HANKS/MORRIS]
Subject Property: 40525 Mayberry Avenue, Hemet; APN: 447-131-043
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

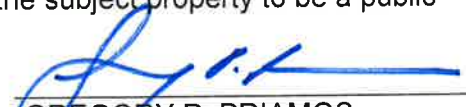
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03584 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV13-03584; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03584.

BACKGROUND:

Summary

On November 4, 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 structures (dwelling, detached garage and deck) and accumulated rubbish on the subject property to be a public

(Continued)


GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Rohini Dasika

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.: CV13-03584 [HANKS/MORRIS]

Subject Property: 40525 Mayberry Avenue, Hemet; APN: 447-131-043

District: 3/3 [\$0.00]

DATE: December 19, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

nuisance. The Board ordered 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:
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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-03584
12 [SUBSTANDARD STRUCTURES AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 447-131-043, 40525 MAYBERRY AVENUE,) CONCLUSIONS AND ORDER TO
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
15 DIANA L. HANKS AND CONNIE M. MORRIS,)
OWNERS.) R.C.O. Nos. 457, 541 and 725

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17 The above-captioned matter came on regularly for hearing on November 4, 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 40525 Mayberry Avenue, Hemet, Riverside, Assessor's Parcel Number
21 447-131-043 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 structures 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 Diana L. Hanks and Connie M. Morris (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Countrywide Home Loans, Inc., Mortgage Electronic Services, The Bank
6 of New York Mellon FKA The Bank of New York, MTC Financial, Inc. dba Trustee Corps., Lake
7 Hemet Municipal Water District (hereinafter referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on September 18,
9 2013, October 23, 2013, December 10, 2013, March 19, 2014, April 16, 2014, August 7, 2014 and
10 October 27, 2014.

11 4. During each inspection, three (3) substandard structures (dwelling, detached garage
12 and a deck) were observed on THE PROPERTY. The structures were observed to be abandoned,
13 dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to:
14 lack of improper water closet, lavatory, bathtub, shower or kitchen sink, hazardous wiring, defective
15 or deteriorated flooring or floor supports, dampness of habitable rooms, faulty weather protection;
16 general dilapidation or improper maintenance; fire hazard, public and attractive nuisance –
17 abandoned/vacant.

18 5. During each inspection an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: green waste, trash, fire hoses, a camper shell, a partially
20 demolished above ground pool, furniture, cardboard, window frames, and other miscellaneous items.

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 April 11, 2014,
24 as Document Number 2014-0132236 in the Office of the County Recorder, County of Riverside.

25 8. On September 18, 2013, a Notice of Violation, Notice of Defects, a “Danger Do Not
26 Enter” sign were posted on THE PROPERTY. On October 9, 2013, a Notice of Violation and
27 Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by first class mail. On
28 November 7, 2013, a Notice of Violation and Notice of Defects were mailed to OWNERS and

1 INTERESTED PARTIES by certified mail, return receipt 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 November 4, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structures (dwelling, detached garage and deck) and
9 accumulation of rubbish on the real property located at 40525 Mayberry Avenue, Hemet, Riverside
10 County, California, also identified as Assessor's Parcel Number 447-131-043 violates Riverside
11 County 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 structures conditions by razing, removing and
14 disposing of the substandard structures, including the removal and disposal of all structural debris
15 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided
16 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
17 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
18 (90) 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

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

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
28 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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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By
Deputy
(SEAL)