

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

408B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
October 6, 2015

SUBJECT: Order to Abate [Substandard Structure]  
Case No. CV14-03996 [LAWELL]  
Subject Property: 40726 Mayberry Avenue, Hemet; APN: 447-060-044  
District: 3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996.

BACKGROUND:

Summary

On September 1, 2015, 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

(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	\$	\$	\$	\$	

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

Prev. Agn. Ref.: 09/01/15; 9.5

District: 3

Agenda Number:

2-10

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

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

Case No. CV14-03996 [LAWELL]

Subject Property: 40726 Mayberry Avenue, Hemet; APN: 447-060-044

District: 3 [\$0.00]

**DATE:** October 6, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

(green house) located on the subject property to be a public 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

6 WHEN RECORDED PLEASE MAIL TO:  
7 Michelle Cervantes, Senior Code Enforcement Officer  
8 Regina Keyes, Senior Code Enforcement Officer  
9 CODE ENFORCEMENT DEPARTMENT  
10 4080 Lemon Street, Twelfth Floor (Stop #1012)  
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 14-03996  
[SUBSTANDARD STRUCTURE]; )  
APN 447-060-044, 40726 MAYBERRY AVENUE, ) FINDINGS OF FACT,  
HEMET, RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
MARIAN L. LAWELL, OWNER. ) ABATE NUISANCE  
)  
) [R.C.O. Nos. 457 and 725]  
)

16 The above-captioned matter came on regularly for hearing on September 1, 2015, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 40726 Mayberry Avenue, Hemet, Riverside County, Assessor's Parcel Number  
20 447-060-044 and referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structure 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. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Marian L. Lawell ("OWNER").

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Accubanc Mortgage Corporation, First Interstate Bank of California, a California Corporation, GMAC Mortgage Corporation, and Wells Fargo Bank, N.A. ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on October 14, 2014, and on seven (7) subsequent inspections, with the last occurring on August 27, 2015.

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

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

6. On October 14, 2014, Notice of Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On October 15, 2014, a Notice of Violation and Notice of Defects were mailed to OWNER by first class mail and posted on THE PROPERTY on October 16, 2014. On February 3, 2015, a Notice of Violation and Notice of Defects were mailed to INTERESTED PARTIES by first class mail.

7. A Notice of Pendency of Administrative Proceedings was recorded on December 3, 2014, as Instrument Number 2014-0462041 in the Office of the County Recorder, County of Riverside.

8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on September 1, 2015, was

1 mailed to OWNER 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 September 1, 2015, finds and concludes that:

5 1. WHEREAS, the substandard structure (green house) on the real property located at  
6 40726 Mayberry Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel  
7 Number 447-060-044 violates RCO No. 457 and constitutes a public nuisance.

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

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

18 **ORDER TO ABATE NUISANCE**

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

26 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
27 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
28 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and

1 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural  
2 debris and materials, may be abated by representatives of the Riverside County Code Enforcement  
3 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court  
4 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
14 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement  
15 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
16 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
17 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
18 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.

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

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
7 Marion Ashley  
Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11  
12 By

13 Deputy

14 (SEAL)