

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

948
A



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 20, 2015

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV14-04599 [KRUSE]
Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011
District: 5 [\$0]

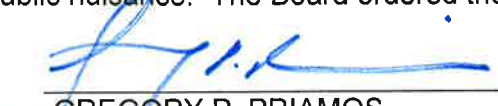
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599.

BACKGROUND:

Summary

On October 27, 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 structures (dwelling and block wall) located on the subject property to be a public nuisance. The Board ordered the (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:


Tina Grant

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 10/27/15; 9.5

District: 5

Agenda Number:

2-13

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

FORM 11: Order to Abate [Substandard Structures]

Case No. CV14-04599 [KRUSE]

Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011

District: 5 [\$0]

DATE: November 20, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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 14-04599
[SUBSTANDARD STRUCTURES];)
APN 517-101-011, 55200 HATTON PLACE,) FINDINGS OF FACT,
WHITEWATER, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; YVONNE S. KRUSE, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 457 and 725]
)

The above-captioned matter came on regularly for hearing on October 27, 2015, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 55200 Hatton Place, Whitewater, Riverside County, California and more particularly described as Assessor's Parcel Number 517-101-011 and referred to hereinafter as "THE PROPERTY."

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

Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of 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 Yvonne S. Kruse ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to wit: Mission Springs Water District and Douglas J. Kruse ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on December 8, 2014 and on five (5) subsequent follow up inspections, with the last being October 23, 2015.

4. During each inspection, two (2) substandard structures (dwelling and block wall) were observed on THE PROPERTY. The structures were observed to be dilapidated and contained numerous deficiencies, including but not limited to: deteriorated or inadequate foundation; members of walls, partitions, or other vertical supports that split, lean or buckle due to defective material or deterioration; lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; hazardous wiring; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; 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. A Notice of Pendency of Administrative Proceedings was recorded on February 24, 2015, as Document Number 2015-0071349 in the Office of the County Recorder, County of Riverside.

7. On December 8, 2014, a Notice of Violation, Notice of Defects and "Danger Do Not Enter" signs were posted on THE PROPERTY. On January 6, 2015, Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by first class mail and certified mail, return receipt requested.

8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on October 27, 2015, finds and concludes that:

- 1. WHEREAS, the substandard structures (dwelling and block wall) on the real property located at 55200 Hatton Place, Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-101-011 violates RCO No. 457 and constitutes a public nuisance.
- 2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structures by razing, removing and disposing of the substandard structures, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structures provided that said reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days.
- 3. WHEREAS, the OWNER AND INTERESTED PARTIES ARE FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (dwelling and block wall) on THE PROPERTY be abated by the OWNER or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO 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 structures are not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and

mailing of this Order to Abate Nuisance, the substandard structures, 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 OWNER is 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 reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or 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 _____
Marion Ashley
Chairman, Board of Supervisors

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By

13 Deputy

14 (SEAL)

CV14-04599

55200 Hatton Place, Whitewater APN: 517-101-011



Legend

- TBM Page
- TBM Grid
- roadsanno
- highways
- hwy
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrography/lines
- waterbodies
- Lakes
- Rivers

Notes

Thomas Bros Page 724
Grid D1



0 228 456 Feet



"IMPORTANT" Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON: 11/24/2015 8:01:47 AM

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