

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

701 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 17, 2016

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV11-04858 [BEEMAN AND VON SPECHT]
Subject Property: 28751 10th Street, Lake Elsinore; APN: 347-202-002
District: 1

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-04858 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. CV11-04858; 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. CV11-04858.

BACKGROUND:
Summary

On January 26, 2016, 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	\$	\$	\$	\$	

SOURCE OF FUNDS: _____ **Budget Adjustment:** _____
For Fiscal Year: _____

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Departmental Concurrence

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

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

FORM 11: Order to Abate [Substandard Structure & Accumulated Rubbish]

Case No.: CV11-04858 [BEEMAN AND VON SPECHT]

Subject Property: 28751 10th Street, Lake Elsinore; APN: 347-202-002

District: 1

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PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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 11-04858
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 347-202-002, 28751 10th STREET, LAKE) CONCLUSIONS AND ORDER TO
15 ELSINORE, RIVERSIDE COUNTY,) ABATE NUISANCE
16 CALIFORNIA; BETTY JANE BEEMAN AND R.)
LEE VON SPECHT, OWNERS.) [R.C.O. Nos. 457, 541 and 725]

17 The above-captioned matter came on regularly for hearing on January 26, 2016, 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 28751 10th Street, Lake Elsinore, Riverside, Assessor's Parcel Number 347-
21 202-002 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 Owner 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 (dwelling) and accumulation of rubbish
27 on THE 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 Betty Jane Beeman and R. Lee Von Specht (“OWNERS”).

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 2, 2015 and
7 on three (3) additional occasions, the last being January 25, 2016.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
10 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
11 lavatory, bathtub, shower or kitchen sink; lack of required electrical lighting; lack of adequate
12 heating facilities; defective or deteriorated flooring or floor supports; members of walls, partitions, or
13 other vertical supports that split, lean, list or buckle due to defective material or deterioration;
14 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or
15 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or
16 improper maintenance; public and attractive nuisance – abandoned/vacant.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: green waste, demolition debris, scrap wood, damaged
19 furniture and scrap carpet metal, of about 20,675 square feet.

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

22 7. A Notice of Pendency of Administrative Proceedings was recorded on October 26,
23 2011, as Document Number 2011-0472416 in the Office of the County Recorder, County of
24 Riverside.

25 8. On April 2, 2015, Notice of Violation, Notice of Defects, and a “Danger Do Not
26 Enter” sign were posted on THE PROPERTY. On April 9, 2015, Notice of Violation and Notice of
27 Defects were mailed to OWNERS by first class mail.

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1 PROPERTY, by razing and removing the substandard structure including the removal and disposal
2 of all structural debris and materials, as well as the contents therein, or by reconstruction and
3 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
4 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
5 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
6 Nuisance.

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

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

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

26 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
27 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
28 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the

1 accumulation of rubbish may be abated by representatives of the Riverside County Code
2 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
3 consent or a Court Order when necessary under applicable law.

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

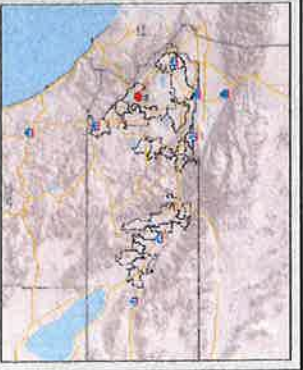
By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board


By
Deputy
(SEAL)

CV11-04858

28751 10th Street, Lake Elsinore APN: 347-202-002



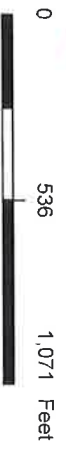
Legend

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Notes

Thomas Bros. Page 836
Grid D7 & E7