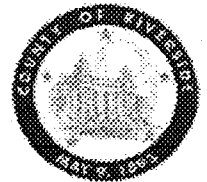


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

719B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 08-03972 (MILTON)
Subject Property: 22079 Louise Street, Perris; APN 342-110-002
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03972 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. CV 08-03972 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. CV 08-03972.

BACKGROUND:

On December 8, 2009, 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 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 the Findings of Fact, Conclusion and Order to Abate.

[Signature]

JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

**FINANCIAL
DATA**

| | | | |
|-------------------------------|--------|-------------------------|-----|
| Current F.Y. Total Cost: | \$ N/A | In Current Year Budget: | N/A |
| Current F.Y. Net County Cost: | \$ N/A | Budget Adjustment: | N/A |
| Annual Net County Cost: | \$ N/A | For Fiscal Year: | N/A |

SOURCE OF FUNDS:

| | |
|----------------------------------|--------------------------|
| Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

BY: *Alex Gann*

Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 26, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*

Deputy

Prev. Agn. Ref.: 12/08/09; 9 ATTACHMENT 101015 Agenda Number:

WITH THE CLERK OF THE BOARD

2.21



RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
Board of Supervisors
(Stop #1010)

WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

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| NCHG | | | | | T: | | CTY | UNI | 513 |

[EXEMPT '6103]

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE

IN RE ABATEMENT OF PUBLIC NUISANCE:
[SUBSTANDARD STRUCTURE]; APN: 342-110-
002, 22079 LOUISE STREET, PERRIS,
RIVERSIDE COUNTY, CALIFORNIA; ANNA J.
MILTON, MARY PULTZ AND LILLIE
MCJUNKIN, OWNERS.

CASE NO. CV 08-03972

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 8, 2009, 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 22079 Louise Street, Perris, Riverside County, APN: 342-110-002, and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

///

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the Owners of THE PROPERTY as Anna J. Milton, Mary Pultz and Lillie McJunkin ("OWNERS").

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

3. THE PROPERTY was inspected by Code Enforcement Officers on May 1, 2008, December 9, 2008, February 4, 2009, April 28, 2009, September 22, 2009, and December 3, 2009.

4. During each inspection, a substandard structure (fire damaged dwelling) was observed on THE PROPERTY. The structure was described as abandoned, dilapidated and vacant. The structure 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; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; fire hazard; extensive fire damage; public and attractive nuisance.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded on July 9, 2008 as Document Number 2008-0375109 in the Office of the County Recorder, County of Riverside.

7. On May 1, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not Enter" sign were posted on THE PROPERTY. On June 24, 2008, Notices of Violation and Notice of Defects were mailed by certified mail, return receipt requested to the OWNERS.

8. On September 21, 2009, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNERS and was posted on THE PROPERTY on September 22, 2009.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on December 8, 2009 finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 22079 Louise
5 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 342-110-002
6 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
7 nuisance.

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

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

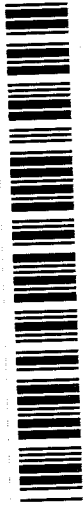
18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
20 at 22079 Louise Street, Perris, Riverside County, California, also identified as Assessor's Parcel
21 Number 342-110-002 be abated by the OWNERS, and anyone having possession or control of THE
22 PROPERTY, by razing and removing the substandard structure including the removal and disposal of
23 all structural debris and materials, as well as the contents therein, or by reconstruction of said
24 structure provided such reconstruction can be accomplished in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
26 (90) days of the posting and mailing of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
28 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including but



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1 not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
2 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural
3 debris and materials, shall be abated by representatives of the Riverside County Code Enforcement
4 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
5 Order, where necessary, under, applicable law authorizing entry onto THE PROPERTY.

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

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
16 means "any costs or expenses reasonably related to the abatement of conditions which violate County
17 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
18 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
19 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
2 ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: January 26, 2010

COUNTY OF RIVERSIDE

4
5 *Marion Ashley*
6 Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By *Janet Ekman*
12 Deputy
13
14 (SEAL)



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FORM APPROVED COUNTY COUNSEL
BY *Julie A. Koons Jarvi* 1/4/10
DATE



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

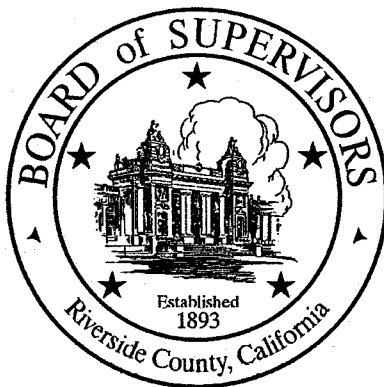
<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board

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01/27/2010 08:00A
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PROOF OF SERVICE

Case Nos. CV08-03972

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(see attached notice list)**

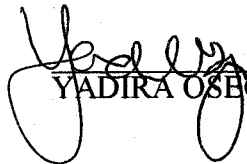
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

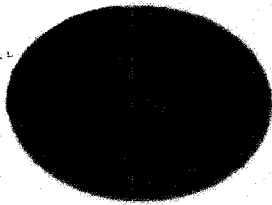
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 1, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2010

RE CASE NO: CV0803972

I, Richard Arriola, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 03/03/10 at 1405, I securely and conspicuously posted FINDING OF FACTS FOR RCC 15.16.020-SUBSTANDARD STRUCTURE. at the property described as:

Property Address: 22079 LOUISE ST, PERRIS

Assessor's Parcel Number: 342-110-002

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Richard Arriola, Code Enforcement Officer