

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

805B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
January 28, 2010

SUBJECT: Order to Abate [Substandard Structure]  
Case No.: CV 09-04287 (MARTIN)  
Subject Property: 19318 Warren Road, Riverside; APN 266-263-007  
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04287 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 09-04287 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 09-04287.

BACKGROUND:

On December 22, 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.

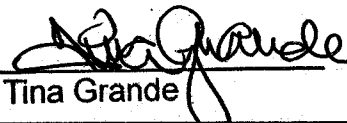
(Continued)

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

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:   
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione 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: February 9, 2010  
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 12/22/09; 9.1 | District: 1 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2.11



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

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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

[EXEMPT '6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:  
[SUBSTANDARD STRUCTURE]; APN: 266-263-  
007, 19318 WARREN ROAD, RIVERSIDE,  
RIVERSIDE COUNTY, CALIFORNIA; CLEVE  
MARTIN AND ISABELLE MARTIN, OWNERS.

CASE NO. CV 09-04287

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 22, 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 19318 Warren Road, Riverside, Riverside County, APN: 266-263-007, 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.

The owners did not appear. Mr. Mabee appeared and addressed the Board of Supervisors.

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.

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**SUMMARY OF EVIDENCE**

1. Documents of record in the Riverside County Recorder's Office identify the Owners of THE PROPERTY as Cleve Martin and Isabelle Martin ("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 August 11, 2009, September 23, 2009, November 25, 2009 and December 21, 2009.

4. During each inspection, a substandard structure (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 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 – abandoned/vacant.

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 September 2, 2009 as Document Number 2009-0459096 in the Office of the County Recorder, County of Riverside.

7. On August 11, 2009, a Notice of Violation, Notice of Defects and "Danger Do Not Enter" sign were posted on THE PROPERTY. On August 17, 2009 and September 14, 2009, Notices of Violation and Notice of Defects were mailed by certified mail, return receipt requested to the OWNERS.

8. On November 24, 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 the OWNERS and posted on THE PROPERTY on November 25, 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 22, 2009 finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 19318 Warren  
5 Road, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 266-263-  
6 007 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 19318 Warren Road, Riverside, Riverside County, California, also identified as Assessor's Parcel  
21 Number 266-263-007 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



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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02/11/2010 08:00A  
4 of 6

FORM APPROVED COUNTY COUNSEL  
BY Julie Jarvi 1/20/10  
DATE  
JULIE A. KOONS JARVI

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: February 9, 2010

COUNTY OF RIVERSIDE

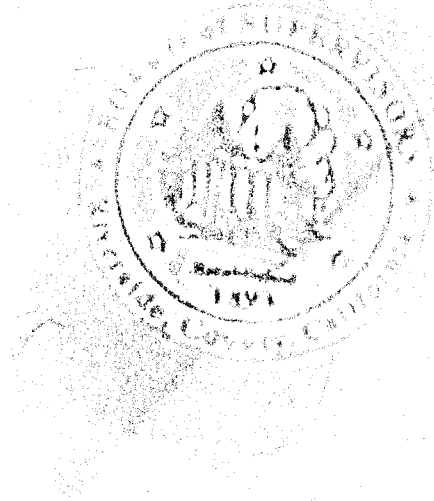
4  
5 By Marion Ashley  
6 Marion Ashley  
7 Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11 By Linda J. Hummel  
12 Deputy  
13 (SEAL)  
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2010-0065337  
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**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

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

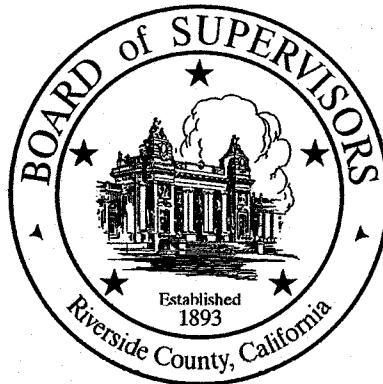
<http://riverside.asrclrec.com>

**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:

2-9-10

Signature:

Sandi Schlemmer

Print Name:

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



**PROOF OF SERVICE**

Case Nos. CV09-04287

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 2, 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)**

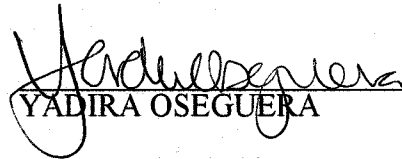
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

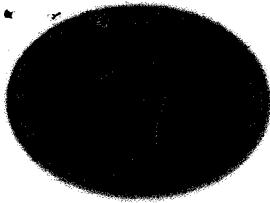
XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **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 2, 2010, at Riverside, California.

  
YADIRA OSEGUERA





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 3, 2010

RE CASE NO: CV0904287

I, Jamison Cole, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 3/2/10 at 3:17 p.m., I securely and conspicuously posted Findings of Facts at the property described as:

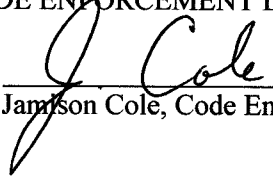
**Property Address:** 19318 WARREN RD, RIVERSIDE

**Assessor's Parcel Number:** 266-263-007

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

Executed on March 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Jamison Cole, Code Enforcement Officer