

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

712B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 22, 2010

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 09-02470 & CV 09-05856 (CRANSTON)
Subject Property: 33883 Bethel Avenue, Hemet
APN: 458-194-008
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-02470 and CV 09-05856 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 Nos. CV 09-02470 and CV 09-05856; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-02470 and CV 09-05856.

(Continued)


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

FINANCIAL
DATA

Current F.Y. Total Cost: \$ N/A
Current F.Y. Net County Cost: \$ N/A
Annual Net County Cost: \$ N/A

In Current Year Budget: N/A
Budget Adjustment: N/A
For Fiscal Year: N/A


SOURCE OF FUNDS:

Positions To Be
Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE


BY Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: May 18, 2010

xc: Co.Co.(3); Recorder

Kecia Harper-Ihem

Clerk of the Board

By: 
Deputy

Prev. Agn. Ref.: 04/06/10 9.4

District: 3

Agenda Number:

2.14

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

Departmental Concurrence

Policy ☐ Policy ☐
Consent ☒ Consent ☐

Dep't Recomm.:
Per Exec. Ofc.:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 09-02470 and CV 09-05856

Subject Property: 33883 Bethel Road, Hemet

APN: 458-194-008

District Three

BACKGROUND:

On April 6, 2010, 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 (detached garage) and accumulation of rubbish 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, Conclusions and Order to Abate.

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

DOC # 2010-0231051
05/19/2010 08:00A Fee:NC
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Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



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

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[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [SUBSTANDARD STRUCTURE AND
13 ACCUMULATION OF RUBBISH]; APN 458-194-
14 008, 33883 BETHEL AVENUE, HEMET,
RIVERSIDE COUNTY, CALIFORNIA; ALBERT
E. CRANSTON, OWNER.

CASE NOS. CV 09-02470 &
CV 09-05856

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on April 6, 2010, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 33883 Bethel Avenue, Hemet, Assessor's Parcel Number 458-194-008 and referred to
21 hereinafter as "THE PROPERTY."

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

24 No one appeared on behalf of owner.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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1 9. On March 1, 2010, a "Notice to Abate Nuisance" providing notice of the public
2 hearing before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt
3 requested, to OWNER and was posted on THE PROPERTY on March 2, 2010.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on April 6, 2010, finds and concludes that:

7 1. WHEREAS, the substandard structure (detached garage) and accumulation of rubbish
8 on the real property located at 33883 Bethel Avenue, Hemet, Riverside County, California, also
9 identified as Assessor's Parcel Number 458-194-008 violates Riverside County Ordinance Nos. 457
10 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

17 3. WHEREAS, THE OWNER, occupants and any other person having possession or
18 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
19 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
20 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

21 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
22 which judicial review of the administrative determinations made herein must be sought is ninety (90)
23 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
24 and is governed by California Code of Civil Procedure Section 1094.6.

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure (detached garage) on THE
27 PROPERTY be abated by OWNER, Albert E. Cranston, or anyone having possession or control of
28 THE PROPERTY, by razing and removing the substandard structure including the removal and





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

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

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

20 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
21 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
22 disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
23 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
24 within ninety (90) days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
26 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
27 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
28 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside

County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under applicable law.

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 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). 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 Department will be

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

3
4 Dated: May 18, 2010

COUNTY OF RIVERSIDE

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

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Kumpf

13 Deputy

14 (SEAL)



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FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi 4/13/10
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.asrec.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:

5-18-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 33883 Bethel Avenue, Hemet
Case Nos.: CV 09-02470 & CV 09-05856; APN: 458-194-008; District 3

ALBERT E. CRANSTON
328 MONTE VISTA AVENUE
COSTA MESA, CA 92627

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>ALBERT E CRANSTON 328 MONTE VISTA AVENUE COSTA MESA CA 92627</p>		<p>B. Received by (Printed Name) <i>ALBERT E CRANSTON</i> C. Date of Delivery <i>6-17-2010</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>CV 09-02470 & CV 09-05856 (Cranston) For</i></p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>7009 3410 0000 1318 3848</p> <p>Domestic Return Receipt 102595-02-M-1540</p>	

PROOF OF SERVICE

Case Nos. CV 09-02470 & CV 09-05856

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 June 8, 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 June 8, 2010, at Riverside, California.


BREND A PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 9, 2010

RE CASE NO: CV0902470 & CV0905856

I, Vicky Jordan, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 6-9-2010 at 3:03 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 33883 BETHEL AVE, GREEN ACRES

Assessor's Parcel Number: 458-194-008

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

Executed on June 9, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician