

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

705B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 09-02820 (LYONS)
Subject Property: 13220 Joshua Road, Whitewater; APN 517-221-009
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-02820 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 09-02820 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 09-02820.

BACKGROUND:

On April 20, 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 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 A. 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

County Executive Office Signature

[Signature]
BY: Tina Grande

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: *[Signature]*
Deputy

Prev. Agn. Ref.: 04/20/10; 9.9 | District: 5 | Agenda Number:

2.20

Departmental Concurrence

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Policy ☐ Policy ☐
Consent ☐ Consent ☒
X

Dept't Recomm. ☐
Per Exec. Ofc.: ☐



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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
									513

WHEN RECORDED PLEASE MAIL TO:
Julie A. 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 517-221-
009, 13220 JOSHUA ROAD, WHITEWATER,
RIVERSIDE COUNTY, CALIFORNIA; MARK E.
LYONS, OWNER.

CASE NO. CV 09-02820

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 April 20, 2010, 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 13220 Joshua Road, Whitewater, Riverside County, Assessor's Parcel Number 517-221-009 and referred to hereinafter as "THE PROPERTY."

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

OWNER, Mark Lyons, appeared and addressed the Board of Supervisors.

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 Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Mark E. Lyons ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 27, 2009,
7 June 2, 2009, September 21, 2009, November 25, 2009 and April 15, 2010.

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

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

18 6. A Notice of Noncompliance was recorded on June 25, 2009, as Document Number
19 2009-0325146 in the Office of the County Recorder, County of Riverside.

20 7. On April 27, 2009, a Notice of Violation and a "Danger Do Not Enter" sign was
21 posted on THE PROPERTY. On June 26, 2009, a Notice of Violation was mailed to OWNER by
22 certified mail, return receipt requested.

23 8. On November 24, 2009, a "Notice to Abate Nuisance" providing notice of the public
24 hearing before the Board of Supervisors, was mailed by certified mail, return receipt requested, to
25 OWNER and was posted on THE PROPERTY on November 25, 2009.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on April 20, 2010, finds and concludes that:



3. WHEREAS, THE OWNER IS HEREBY 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.

IT IS THEREFORE ORDERED that the substandard structures (single family dwelling) on THE PROPERTY be abated by the OWNER, Mark E. Lyons, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance 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 structure is not razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural debris and materials, shall be abated by representatives of the Riverside County

1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
3 PROPERTY.

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

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
15 expenses reasonably related to the abatement of conditions which violate County Land Use
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
17 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
18 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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2010-0231823
05/19/2010 08:00A
4 of 6

FORM APPROVED COUNTY COUNSEL

BY

JULIE A. KOONS JARVI

DATE

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
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Karen Gibson
13 Deputy

14 (SEAL)
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2010-0231823
05/19/2010 08:00A
5 of 6



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:

5-18-10

Signature:

Karen Barton

Print Name:

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



PROOF OF SERVICE

Case No. CV 09-02820

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 10, 2010

RE CASE NO: CV0902820

I, Pedro Hernandez, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 06/10/2010 at 10:00 AM, I securely and conspicuously posted Finding of facts for the above mentioned matter at the property described as:

Property Address: 13220 JOSHUA RD, WHITEWATER

Assessor's Parcel Number: 517-221-009

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

Executed on June 10, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Pedro Hernandez, Code Enforcement Officer

Subject Property: 13220 Joshua Road, Whitewater
Case No.: CV 09-02820; APN: 517-221-009; District 5

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

MARK E. LYONS
13220 JOSHUA ROAD
WHITEWATER, CA 92282

MARK E. LYONS
16246 SKYWOOD COURT
MORENO VALLEY, CA 92551

CERTIFIED MAIL



7009 3410 0000 1318 3527

MARK E LYONS
13220 JOSHUA ROAD
WHITEWA-----

NIXIE

33 DE 1

00 05/05/10

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

EC: 99501364403

NY 100-40520-00-05

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[illegible]

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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.

1. Article Addressed to:

MARK E LYONS
16246 SKYWOOD COURT
MORENO VALLEY CA 92551

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

☐ Yes

02 1P
0003958246 JUN 08 2010
MAILED FROM ZIP CODE 92501

2. Artikel

Trans

PS Form

2505-02-M-1240