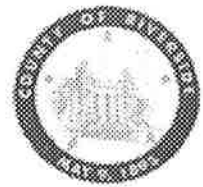


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

107B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 3, 2010

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 09-04289 (HINES)
Subject Property: 19431 Ray Avenue, Riverside
APN: 266-312-002
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04289 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 09-04289; 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 09-04289.

(Continued)

L. ALEXANDRA FONG, 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 Benoit, seconded by Supervisor Buster and duly carried, IT
WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Benoit and Ashley

Nays: None

Absent: Tavaglione and Stone

Date: June 15, 2010

xc: Co.Co.(3); Recorder

Kecia Harper-Ihem

Clerk of the Board

By:

Deputy

Prev. Agn. Ref.: 05/18/10 9.2

District: 1

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.8

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 09-04289

Subject Property: 19431 Ray Avenue, Riverside

APN: 266-312-002

District One

BACKGROUND:

On May 18, 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 (white stucco dwelling) 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.



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

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M	A	L	465	426	PCOR	NCOR	SMF	NCHQ	EXAM
NCHQ						T:	CTY	UNI	508

WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, 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:) CASE NO. CV 09-04289
[SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 266-312-)
002, 19431 RAY AVENUE, RIVERSIDE,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; ALFRED) CONCLUSIONS AND ORDER TO
T. HINES AND WILLIE M. HINES, OWNERS.) ABATE NUISANCE
) [R.C.O. Nos. 457 (RCC Title 15), 541
) (RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 18, 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 19431 Ray Avenue, Riverside, Riverside County, Assessor's Parcel Number 266-312-002 and referred to hereinafter as "THE PROPERTY."

L. Alexandra Fong, 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 attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

///

SUMMARY OF EVIDENCE

1 Documents of record in the Riverside County Recorder's Office identify the owners
2 of THE PROPERTY as Alfred T. Hines and Willie M. Hines ("OWNERS").

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

5 THE PROPERTY was inspected by Code Enforcement Officers on November 24,
6 2009, December 28, 2009, January 26, 2010, March 17, 2010 and May 17, 2010.

7 During each inspection, a substandard structure (white stucco dwelling) was observed
8 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
9 structure contained numerous deficiencies, including but not limited to: lack of or improper water
10 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
11 fixtures; members of walls, partitions or other vertical supports that split, lean, list or buckle due to
12 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other
13 horizontal members which sag, split or buckle due to defective material or deterioration; faulty
14 weather protection; general dilapidation or improper maintenance; public and attractive nuisance.

15 During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: household trash and other miscellaneous rubbish and
17 debris.

18 THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 A Notice of Noncompliance was recorded on December 9, 2009, as Document
21 Number 2009-0632229 in the Office of the County Recorder, County of Riverside.

22 On November 24, 2009, Notices of Violation, a "Danger Do Not Enter" and a "Do
23 Not Dump" sign were posted on THE PROPERTY. On December 1, 2009 and January 7, 2010,
24 Notices of Violation for the substandard structures and accumulation of rubbish were mailed to
25 OWNERS by certified mail, return receipt requested.

26 On March 17, 2010, a "Notice to Abate Nuisance" providing notice of the public
27 hearing before the Board of Supervisors on May 18, 2010, was mailed by certified mail, return receipt
28



requested, to OWNERS and was posted on THE PROPERTY on March 17, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on May 18, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (white stucco dwelling) and accumulation of rubbish on the real property located at 19431 Ray Avenue, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 266-312-002 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

2. WHEREAS, THE OWNERS, occupants and any person having possession or control of THE PROPERTY should abate the substandard structures condition by razing, removing and disposing of the substandard structure, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structure provided that said reconstruction or demolition 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.

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

4. WHEREAS, THE OWNERS ARE 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.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (white stucco dwelling) on THE PROPERTY be abated by the OWNERS, Alfred T. Hines and Willie M. Hines, 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 structures provided such reconstruction and





1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
3 posting and mailing of this Order to Abate Nuisance.

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

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

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

23 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
24 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
25 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
26 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
27 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
28 owner's consent or a Court Order when necessary under applicable law.

FORM APPROVED COUNTY COUNSEL
BY: 5/26/10 DATE
L. ALEXANDRA FONG

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

Dated: June 15, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Kamryn Gatten
Deputy
(SEAL)



2010-0277282
06/16/2010 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.asrclkrec.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:

6-18-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 19431 Ray Avenue, Riverside
Case No.: CV 09-04289 APN: 266-312-002; District 1

ALFRED T. HINES
WILLIE M. HINES
C/O LETITIA MURPHY
23058 MANSFIELD LANE
MORENO VALLEY, CA 92557

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

CERTIFIED MAIL™



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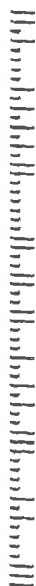
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KTS
Att

ALFRED T HINES
WILLIE M HINES
C/O LETITIA MURPHY
23058 MAN
MORENO V

92501@3644

NIXIE 923 DE 1 00 09/08/10
NOT DELIVERABLE TO
RETURN TO SENDER
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BC: 92501364405 *0804-11491-02-43



02 1P
0003958246 SEP 01 2010
MAILED FROM ZIP CODE 92501



PROOF OF SERVICE

Case No. CV 09-04289

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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on Sept. 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 Sept. 1, 2010, at Riverside, California.


BREND A PEELER



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 2, 2010

RE CASE NO: CV0904289

I, Jeremy Wagner, 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 09/02/2010 at 0955, I securely and conspicuously posted Findings of Fact (F.O.F) at the property described as:

Property Address: 19431 RAY AVE, RIVERSIDE

Assessor's Parcel Number: 266-312-002

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

Executed on September 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  _____
Jeremy Wagner, Code Enforcement Officer III