

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

613B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No. : CV 10-01807 (50 BY 50 REO II)
Subject Property: 32707 Pixley Canyon Road, Hemet; APN: 470-390-018
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01807 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 10-01807; 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 10-01807.

(Continued)

[Signature]
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 *[Signature]*
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 27, 2010
xc: Co.Co.(3); Recorder

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

- Policy
- Policy
- Consent
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No. CV 10-01807; 50 BY 50 REO II
32707 Pixley Canyon Road, Hemet
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BACKGROUND:

On June 29, 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 (29 x 60 factory built home) 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 Findings of Fact, Conclusions and Order to Abate.

DOC # 2010-0352207

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Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



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

5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, 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]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [SUBSTANDARD STRUCTURE]; APN 470-390-
13 018, 32707 PIXLEY CANYON ROAD, HEMET,
14 RIVERSIDE COUNTY, CALIFORNIA; 50 BY 50
15 REO II, OWNER.

CASE NO. CV 10-01807

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

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

16 The above-captioned matter came on regularly for hearing on June 29, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 32707 Pixley Canyon Road, Hemet, Assessor's Parcel Number 470-390-018 and
20 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
26 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 50 By 50 Reo II (“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 March 8, 2010,
7 April 5, 2010, June 11, 2010 and June 25, 2010.

8 4. During each inspection, a substandard structure (29 x 60 factory built home) was
9 observed on THE PROPERTY. The structure was observed to be abandoned and vacant. The
10 structure contained numerous deficiencies, including but not limited to: hazardous wiring; general
11 dilapidation or improper maintenance; public and attractive nuisance; abandoned/vacant; and expired
12 permits.

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

15 6. A Notice of Noncompliance was recorded on March 18, 2010, as Document Number
16 2010-0125637 in the Office of the County Recorder, County of Riverside.

17 7. On March 8, 2010, a Notice of Violation, Notice of Defects and a “Danger Do Not
18 Enter” sign were posted on THE PROPERTY. On March 9, 2010, a Notice of Violation and Notice
19 of Defects were mailed to OWNER by certified mail, return receipt requested.

20 8. On June 10, 2010, a “Notice to Abate Nuisance” providing notice of the public hearing
21 before the Board of Supervisors on June 29, 2010, was mailed by certified mail, return receipt
22 requested, to OWNER and was posted on THE PROPERTY on June 11, 2010.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on June 29, 2010, finds and concludes that:

26 1. WHEREAS, the substandard structure (29 x 60 factory built home) on the real
27 property located at 32707 Pixley Canyon Road, Hemet, Riverside County, California, also identified
28 as Assessor's Parcel Number 470-390-018 violates Riverside County Ordinance No. 457 and

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

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

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FORM APPROVED COUNTY COUNSEL
BY: Alexandra F. O'S DATE 7/27/10
L. ALEXANDRA F. O'S

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

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4 Dated: July 27, 2010

COUNTY OF RIVERSIDE

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

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Kamryn Guter

13 Deputy

14 (SEAL)



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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: 7-27-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 32707 Pixley Canyon Road, Hemet
Case No.: CV 10-01807 APN: 470-390-018; District 3

50 BY 50 REO II, LLC
C/O CTX MORTGAGE COMPANY
1603 LBJ FREEWAY, SUITE 600
DALLAS, TX 75234



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 20, 2010

RE CASE NO: CV1001807

I, Ariana Meza, 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 08/19/2010 at 1:16pm, I securely and conspicuously posted Findings of Fact, Conclusions And Order To Abate Nuisance, Proof of Service & Notice List at the property described as:

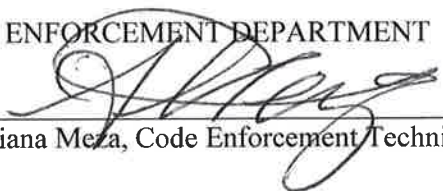
Property Address: 32707 PIXLEY CANYON RD, HEMET

Assessor's Parcel Number: 470-390-018

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

Executed on August 20, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Ariana Meza, Code Enforcement Technician

PROOF OF SERVICE

Case No. CV 10-01807

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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 August 18, 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 August 18, 2010, at Riverside, California.

Brenda Peeler
BRENDA PEELER

SAN BERNARDINO CA 924

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 <i>Curtis Clark</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee CURTIS CLARK</p> <p>B. Received by (Printed Name) AUG 24 2010</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>50 BY 50 REO II, LLC C/O CTX MORTGAGE COMPANY 1603 LBJ FREEWAY SUITE 600 DALLAS TX 75234</p>	<p>3. Service Type</p> <p><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>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0000 1317 7861</p>	

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