

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

609B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 15, 2010

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 09-02630 & CV 09-02632 (LE & HUYNH)
Subject Property: 26730 Highway 74, Perris
APN: 345-220-088
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-02630 & CV 09-02632 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 09-02630 & CV 09-02632; 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 09-02630 & CV 09-02632.

(Continued)

L. Alexandra Fong
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*
Tina Grande
County Executive Office Signature

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

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: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 06/22/10 9.5 | District: 5 | Agenda Number:

2.12

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case Nos.: CV 09-02630 & CV 09-02632

Subject Property: 26730 Highway 74, Perris

APN: 345-220-088

District Five

BACKGROUND:

On June 22, 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 structures (barn and agricultural building) 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)



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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
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5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NOS. CV 09-02630 &
12 [SUBSTANDARD STRUCTURES AND)	CV 09-02632
13 ACCUMULATION OF RUBBISH]; APN 345-220-)	
14 088, 26730 HIGHWAY 74, PERRIS, RIVERSIDE)	FINDINGS OF FACT,
15 COUNTY, CALIFORNIA; MARGUERITE CUC)	CONCLUSIONS AND ORDER TO
16 LE, HONG THIEN HUYNH AND MAI X.)	ABATE NUISANCE
HUYNH, OWNERS.)	
	[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 June 22, 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 26730 Highway 74, Perris, Assessor's Parcel Number 345-220-088 and referred to
21 hereinafter as "THE PROPERTY."

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

24 Owner's representative, Antonio De Luis, appeared and addressed the Board of Supervisors.

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.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Marguerite Cuc Le, Hong Thien Huynh and Mai X. Huynh ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Wilshire State Bank, Stewart Title of California, Inc., and Geoffrey C. Lyon,
6 Esq. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 14, 2009,
8 July 1, 2009, September 24, 2009, December 8, 2009, February 22, 2010, May 5, 2010 and June 21,
9 2010.

10 4. During each inspection, two substandard structures (barn and agricultural building)
11 were observed on THE PROPERTY. The structures were observed to be dilapidated and contained
12 numerous deficiencies, including but not limited to: hazardous wiring; members of walls, partitions or
13 other vertical supports that split, lean, list or buckle due to defective material or deterioration;
14 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
15 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or
16 improper maintenance; public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: trash, appliances, broken fiberglass pools and spas, tires,
19 furniture and pallets.

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

22 7. A Notice of Noncompliance was recorded on June 11, 2009, as Document Number
23 2009-0299282 in the Office of the County Recorder, County of Riverside.

24 8. On April 14, 2009, Notices of Violation, Notices of Defects, a "Danger Do Not Enter"
25 and a "Do Not Dump" sign were posted on THE PROPERTY. On April 30, 2009, May 4, 2009, and
26 June 2, 2009, Notices of Violation for the substandard structures and accumulation of rubbish were
27 mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

28 9. On May 3, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing

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1 before the Board of Supervisors on June 22, 2010, was mailed by certified mail, return receipt
2 requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on
3 May 5, 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 June 22, 2010, finds and concludes that:

7 1. WHEREAS, the two substandard structures (barn and agricultural building) and
8 accumulation of rubbish on the real property located at 26730 Highway 74, Perris, Riverside County,
9 California, also identified as Assessor's Parcel Number 345-220-088 violates Riverside County
10 Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public
11 nuisance.

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

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

23 4. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY
24 FURTHER NOTICED that the time within which judicial review of the administrative determinations
25 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
26 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure

27 Section 1094.6.

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ORDER TO ABATE NUISANCE

1
2 IT IS THEREFORE ORDERED that the two substandard structures (barn and agricultural
3 building) on THE PROPERTY be abated by the OWNERS, Marguerite Cuc Le, Hong Thien Huynh
4 and Mai X. Huynh, or anyone having possession or control of THE PROPERTY, by razing and
5 removing the substandard structures including the removal and disposal of all structural debris and
6 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
7 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
8 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
9 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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

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

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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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.

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4 Dated: July 27, 2010

COUNTY OF RIVERSIDE

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

7
8 ATTEST:
9
10 KECIA HARPER-IHEM
11 Clerk to the Board

12 By Kaunggutan
13 Deputy
14 (SEAL)



FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 7/27/10
DATE
L. ALEXANDRA FONG



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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: 26730 Highway 74, Perris
Case Nos.: CV 09-02630 & CV 09-02632; APN: 345-220-088; District 5

MARGUERITE CUC LE
HONG THIEN HUYNH
MAI X HUYNH
30 ASCENSION
IRVINE, CA 92612

WILSHIRE STATE BANK
3200 WILSHIRE BLVD.
LOS ANGELES, CA 90010

STEWART TITLE OF CALIFORNIA, INC.
525 N. BRAND BLVD., SUITE 1200
GLENDALE, CA 91203

GEOFFREY C. LYON, ESQ.
400 OCEANGATE, STE. 1120
LONG BEACH, CA 90802

MANUEL MENDOZA/TENANT
26730 HIGHWAY 74
PERRIS, CA 92570

NOTICE LIST

Subject Property: 26730 Highway 74, Perris
Case Nos.: CV 09-02630 & CV 09-02632; APN: 345-220-088; District 5

SENDER: COMPLETE THIS SECTION

- 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:

STEWART TITLE OF CALIFORNIA, INC.
525 N. BRAND BLVD., SUITE 1200
GLENDALE, CA 91203

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Anne Zaibena Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *09-02630 & 09-02632 (E/HVY/H) FS 5*
7009 3410 0000 1317 8028

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- 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:

WILSHIRE STATE BANK
3200 WILSHIRE BLVD.
LOS ANGELES, CA 90010

COMPLETE THIS SECTION ON DELIVERY

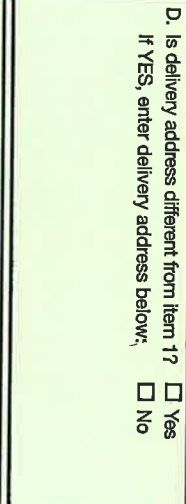
A. Signature

Kinkley Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *09-02630 & 09-02632 (E/HVY/H) FS 5*
7009 3410 0000 1317 7984

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

NOTICE LIST

Subject Property: 26730 Highway 74, Perris
Case Nos.: CV 09-02630 & CV 09-02632; APN: 345-220-088; District 5

<p>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="margin-left: 40px;">MANUEL MENDOZATENANT 26730 HIGHWAY 74 PERRIS, CA 92570</p>	<p style="text-align: center;">COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> Agent <i>Manuel Mendozatenant</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee <i>Manuel Mendozatenant</i> <input type="checkbox"/> Agent</p> <p>C. Date of Delivery <input type="checkbox"/> Yes <i>26/09/2004</i> <input type="checkbox"/> No</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 <i>7009 3410 0000 1317 7997</i> (Transfer from service label)</p> <p>PS Form 3811, February 2004 Domestic Return Receipt</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>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="margin-left: 40px;">GEOFFREY C. LYON, ESQ. 400 OCEANGATE, STE. 1120 LONG BEACH, CA 90802</p>	<p style="text-align: center;">COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <i>Patricia Victorino</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee <i>Patricia Victorino</i> <input type="checkbox"/> Agent</p> <p>C. Date of Delivery <input type="checkbox"/> Yes <i>AUG 20 2004</i> <input type="checkbox"/> No</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 <i>7009 3410 0000 1317 8004</i> (Transfer from service label)</p> <p>PS Form 3811, February 2004 Domestic Return Receipt</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>



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 20, 2010

RE CASE NO: CV0902630

I, James Pike, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 08/19/10 at 1043, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:


Property Address: 26730 HIGHWAY 74, PERRIS

Assessor's Parcel Number: 345-220-088

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: James Pike, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 20, 2010

RE CASE NO: CV0902632

I, James Pike, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 08/19/10 at 1043, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:

Property Address: 26730 HIGHWAY 74, PERRIS

Assessor's Parcel Number: 345-220-088

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

 # 59

By: James Pike, Code Enforcement Officer

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PROOF OF SERVICE
Case No. CV 09-02630 & CV 09-02632

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)**

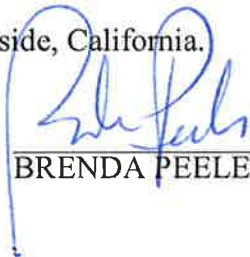
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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