

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

7188



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 29, 2010

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos: CV 09-05340 & CV 09-06580 (SAVELLANO)
Subject Property: 27285 Citrus Avenue, Perris; APN: 307-260-012
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05340 & CV 09-06580 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 09-05340 & CV 09-06580; 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 09-05340 & CV 09-06580.

(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

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: August 10, 2010
xc: Co.Co.(3); Recorder

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

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance
Case Nos. CV 09-05340 & CV 09-06580 (SAVELLANO)
27285 Citrus Avenue, Perris
Page 2

BACKGROUND:

On July 13, 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 five substandard structures (two dwellings, garage and two accessory buildings) and accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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

DOC # 2010-0385456
08/16/2010 08:00A Fee:NC
Page 1 of 7
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



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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

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 **C**
12 **508**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05340 and
14 [SUBSTANDARD STRUCTURES AND) CV 09-06580
15 ACCUMULATION OF RUBBISH]; APN 307-260-)
16 012, 27285 CITRUS AVENUE, PERRIS,)
RIVERSIDE COUNTY, CALIFORNIA; DAVID)
17 P. SAVELLANO AND ELIZABETH S.)
SAVELLANO, OWNERS.)
18)
19) [R.C.O. Nos. 457 (RCC Title 15), 541
20) (RCC Title 8) and 725 (RCC Title 1)]
21)

22 The above-captioned matter came on regularly for hearing on July 13, 2010, before the Board
23 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
24 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
25 described 27285 Citrus Avenue, Perris, Assessor's Parcel Number 307-260-012 and referred to
26 hereinafter as "THE PROPERTY."

27 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
28 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.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as David P. Savellano and Elizabeth S. Savellano ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Jose Esguerra De Castro and Lina P. De Castro and Rochus Schelling and Alice
6 Schelling ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 28, 2009,
8 December 16, 2009, January 8, 2010, March 24, 2010, June 17, 2010 and July 9, 2010.

9 4. During each inspection, five substandard structures (two dwellings, a garage and two
10 accessory buildings) were observed on THE PROPERTY. The structures were observed to be
11 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not
12 limited to: lack of hot and cold running water to plumbing fixtures; hazardous wiring; members of
13 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due
14 to defective material or deterioration; members of walls, partitions or other vertical supports that
15 split, lean, list or buckle due to defective material or deterioration; dampness of habitable rooms;
16 faulty weather protection; general dilapidation or improper maintenance; bee infestation; public and
17 attractive nuisance.

18 5. During each inspection an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: green waste, a collapsed accessory structure, and
20 discarded used lumber.

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

23 7. A Notice of Noncompliance was recorded on January 6, 2010, as Document Number
24 2010-0003523 in the Office of the County Recorder, County of Riverside.

25 8. On August 28, 2009, Notices of Violation, Notice of Defects, "Danger Do Not Enter"
26 and a "Do Not Dump" signs were posted on THE PROPERTY. On September 2, 2009, Notices of
27 Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and
28 on December 23, 2009, were mailed to INTERESTED PARTIES by certified mail, return receipt

2010-0385456
08/18/2010 08:00H
2 of 7



1 requested.

2 9. On June 16, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
3 before the Board of Supervisors on July 13, 2010, was mailed by certified mail, return receipt
4 requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on
5 June 17, 2010.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on July 13, 2010, finds and concludes that:

9 1. WHEREAS, the substandard structures (two dwellings, garage and two accessory
10 buildings) and accumulation of rubbish on the real property located at 27285 Citrus Avenue, Perris,
11 Riverside County, California, also identified as Assessor's Parcel Number 307-260-012 violates
12 Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and
13 constitutes a public nuisance.

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

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

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

2010-0305456
08/16/2010 08:00A
3 of 7



1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structures (two dwellings, garage and
4 two accessory buildings) on THE PROPERTY be abated by the OWNERS, David P. Savellano and
5 Elizabeth S. Savellano , or anyone having possession or control of THE PROPERTY, by razing and
6 removing the substandard structures including the removal and disposal of all structural debris and
7 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
8 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
9 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
10 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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

2010-0305456
08/16/2010 08:00A
4 of 7



1 within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

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5 of 7

1 recoverable from OWNERS 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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Dated: August 10, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Karungutan

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong / 7/22/10 / DATE
ALEXANDRA FONG



2010-0385456
08/16/2010 08:00A
6 of 7



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

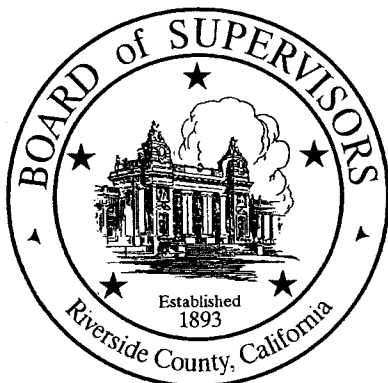
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrclrec.com>

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:

08-10-10

Signature:

Karen Barton

Print Name:

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



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PROOF OF SERVICE
Case No. CV 09-05340 & CV 09-06580

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 31, 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)**

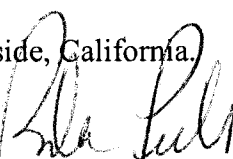
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

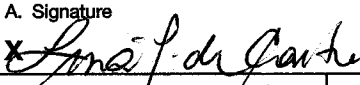
 BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

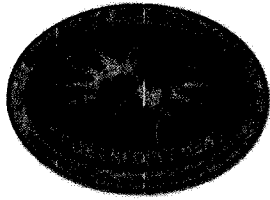
 FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON August 31, 2010, at Riverside, California.


BRENDA PEELER

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 <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) C. Date of Delivery LINA P. DE CASTRO 9-2-10</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>1. Article Addressed to:</p> <p style="text-align: center;">JOSE ESGUERRA DE CASTRO LINA P DE CASTRO 704 BRAEWOOD DRIVE BRADBURY CA 91008</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>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1317 9650</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

CV 09-05340 & CV 09-06580 (SARILLANO) FOR 3



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 1, 2010

RE CASE NO: CV0906580

I, Edward Torres, 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 09/01/2010 at 1115 hours, I securely and conspicuously posted a Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 27285 CITRUS AVE, PERRIS

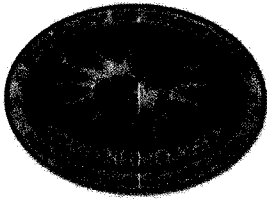
Assessor's Parcel Number: 307-260-012

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

Executed on September 1, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Edward Torres, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 1, 2010

RE CASE NO: CV0905340

I, Edward Torres, 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 09/01/2010 at 1115 hours, I securely and conspicuously posted a Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

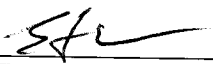
Property Address: 27285 CITRUS AVE, PERRIS

Assessor's Parcel Number: 307-260-012

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

Executed on September 1, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Edward Torres, Code Enforcement Officer

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD