

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

417B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
Oct 6, 2010

**SUBJECT:** Order to Abate [Substandard Structures]  
Case No: CV 09-12074 (AYALA)  
Subject Property: 33737 Highway 74, Hemet; APN: 458-223-002  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12074 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 09-12074; 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 09-12074.

(Continued)

*L. Alexandra Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

**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: October 19, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board

By: *Kecia Harper-Ihem*  
Deputy

Departmental Concurrence

☒ Consent ☐ Policy  
☒ Consent ☐ Policy

Dep't Recomm.:  
Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No. CV 09-12074; AYALA  
33737 Highway 74, Hemet  
Page 2

**BACKGROUND:**

On August 31, 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 (single family dwelling and shed) 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.

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

DOC # 2010-0512224

10/26/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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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10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-12074  
12 [SUBSTANDARD STRUCTURES]; APN 458- )  
223-002, 33737 HIGHWAY 74, HEMET, )  
13 RIVERSIDE COUNTY, CALIFORNIA; JAIME R. ) FINDINGS OF FACT,  
AYALA, TRUSTEE OF THE WILLIAM W. ) CONCLUSIONS AND ORDER TO  
14 TAYLOR LIVING TRUST, DATED DECEMBER ) ABATE NUISANCE  
12, 1995, OWNER. ) [R.C.O. Nos. 457 (RCC Title 15) and  
15 ) 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on August 31, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described 33737 Highway 74, Hemet, Assessor's Parcel Number 458-223-002 and referred  
20 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 structures 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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**SUMMARY OF EVIDENCE**

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Jaime R. Ayala, Trustee of the William W. Taylor Living Trust dated December 12, 1995 ("OWNER").

2. Documents of title indicate that one other party may potentially hold a legal interest in THE PROPERTY, to-wit: Eastern Municipal Water District ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on December 1, 2009, December 31, 2009, January 28, 2010, March 16, 2010, May 13, 2010 and August 25, 2010.

4. During each inspection, two substandard structures (single family dwelling and shed) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: hazardous wiring; defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; fire hazard; abandoned/vacant; public and attractive nuisance.

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

6. A Notice of Noncompliance was recorded on March 5, 2010, as Document Number 2010-0101834 in the Office of the County Recorder, County of Riverside.

7. On December 1, 2009, Notices of Violation, Notice of Defects and a "Danger Do Not Enter" sign was posted on THE PROPERTY. On December 2, 2009, Notice of Violation for the substandard structures was mailed to OWNER and on February 11, 2010 was mailed to INTERESTED PARTY by certified mail, return receipt requested.

8. On May 11, 2010, a "Notice to Correct County Ordinance Violation and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on August 31, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on May 13, 2010.



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on August 31, 2010, finds and concludes that:

4 1. WHEREAS, the substandard structures (single family dwelling and shed) on the real  
5 property located at 33737 Highway 74, Hemet, Riverside County, California, also identified as  
6 Assessor's Parcel Number 458-223-002 violates Riverside County Ordinance Nos. 457 (RCC Chapter  
7 15.12) and constitutes a public nuisance.

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

15 3. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY  
16 FURTHER NOTICED that the time within which judicial review of the administrative determinations  
17 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,  
18 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure  
19 Section 1094.6.

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the substandard structures (single family dwelling and  
22 shed) on THE PROPERTY be abated by the OWNER, Jaime R. Ayala, Trustee of the William W.  
23 Taylor Living Trust Dated December 12, 1995, or anyone having possession or control of THE  
24 PROPERTY, by razing and removing the substandard structures including the removal and disposal  
25 of all structural debris and materials, as well as the contents therein, or by reconstruction and  
26 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished  
27 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
28 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate



1 Nuisance.

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

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

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

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FORM APPROVED COUNTY COUNSEL  
BY: 9/24/10 DATE  
L. ALEXANDRA FONG

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.

4 Dated: October 19, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

8 ATTEST:

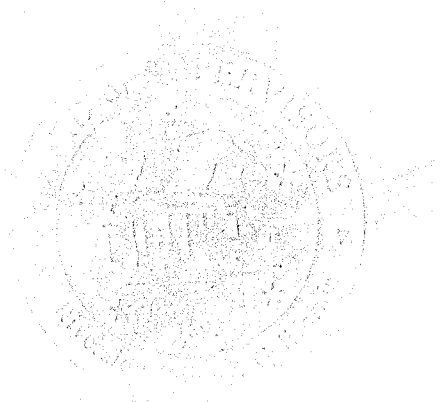
9 KECIA HARPER-IHEM

10 Clerk to the Board

12 By Kecia Harper-Ihem

13 Deputy

14 (SEAL)



2010-0512224  
10/26/2010 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:

10-19-10

Signature:

*Karen Barton*

Print Name:

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





# NOTICE LIST

Subject Property: 33737 Highway 74, Hemet  
Case No.: CV 09-12074; APN: 458-223-002; District 3

JAIME R. AYALA  
1246 E. AGAPE AVENUE  
SAN JACINTO, CA 92583

EASTERN MUNICIPAL WATER DISTRICT  
PO BOX 8300  
PERRIS, CA 92572

## 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:

JAIME R AYALA  
1246 E AGAPE AVENUE  
SAN JACINTO CA 92583

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

3. Service Type
- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

## 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:

EASTERN MUNICIPAL WATER DISTRICT  
PO BOX 8300  
PERRIS CA 92572

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☒ Addressee
- B. Received by (Printed Name) ☐ Addressee
- C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No
- If YES, enter delivery address below:

3. Service Type
- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**PROOF OF SERVICE**

Case No. CV 09-12074

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, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on November 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.

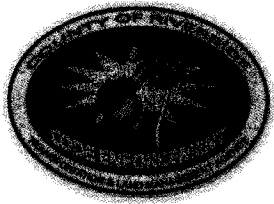
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 November 8, 2010, at Riverside, California.

  
BRENDA PEELER



## CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE  
Director

### AFFIDAVIT OF POSTING OF NOTICES

November 15, 2010

RE CASE NO: CV0912074

I, Wayne Durant, 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 11/15/2010 at 9:40 AM, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate at the property described as:

**Property Address:** 33737 HIGHWAY 74, HEMET

**Assessor's Parcel Number:** 458-223-002

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

Executed on November 15, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  Wayne Durant, Code Enforcement Officer