

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

408B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2010

SUBJECT: Order to Abate [Substandard Structures & Grading Without a Permit]
Case Nos. CV 10-02736 & CV 10-02760 (HSBC BANK USA, N.A.)
Subject Property: 22761 Alessandro Avenue, San Jacinto; APN: 434-260-016
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02736 & CV 10-02760 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 10-02736 & CV 10-02760; 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 10-02736 & CV 10-02760.

(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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Tina Grande

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:
Deputy

Order to Abate

Case Nos. CV 10-02736 & CV 10-02760; HSBC BANK USA, N.A.

22761 Alessandro Avenue, San Jacinto

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BACKGROUND:

On September 28, 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 and unapproved grading 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 # 2010-0512225

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
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

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BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE



17 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 10-02736 &
18 [SUBSTANDARD STRUCTURES AND) CV 10-02760
19 UNAPPROVED GRADING]; APN: 434-260-016,)
20 22761 ALESSANDRO AVENUE, SAN JACINTO,) FINDINGS OF FACT,
21 RIVERSIDE COUNTY, CALIFORNIA; HSBC) CONCLUSIONS AND ORDER TO
22 BANK USA, N.A., OWNER.) ABATE NUISANCE
23)
24) [R.C.O. Nos. 457 (RCC Title 15) and
25) 725 (RCC Title 1)]
26)

17 The above-captioned matter came on regularly for hearing on September 28, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 22761 Alessandro Avenue, San Jacinto, Riverside County, APN: 434-260-016,
21 and referred to 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 No one appeared on behalf of owners. A member of the public, Robert Mabee, spoke and
25 addressed the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with the attached Exhibits, evidencing the substandard structure and unapproved grading on THE
28 PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in

Riverside County Code Title 15.

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the Owner of THE PROPERTY as HSBC Bank, USA, N.A., as Trustee on behalf of Ace Securities Corp. Home Equity Loan Trust and for the registered holders of Ace Securities Corp. Home Equity Loan Trust, Series 2007-HE4, Asset Backed Pass Through Certificates ("OWNER").

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

3. THE PROPERTY was inspected by Code Enforcement Officers on April 6, 2010, May 19, 2010, August 9, 2010 and September 27, 2010.

4. During each inspection, two substandard structures (36' x 51' dwelling and a 30' x 30' dwelling) and a large quantity of stockpiled fill dirt mixed with asphalt was observed on THE PROPERTY. The structures were described as abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; 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 ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; abandoned/vacant, public and attractive nuisance. The amount of stockpiled dirt and asphalt measured two thousand nine hundred thirty-three (2,933) cubic yards.

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 for the unapproved grading and substandard structures were recorded on April 23, 2010 as Document Numbers 2010-0188127 and 2010-188126 in the Office of the County Recorder, County of Riverside.

///



7. On April 6, 2010, Notices of Violation for the substandard structures and unapproved grading/stockpiling, Notices of Defects and "Danger Do Not Enter" signs were posted on THE PROPERTY. On April 8, 2010 and April 15, 2010, a Notice of Violation for substandard structures and Notice of Defects were mailed by certified mail, return receipt requested to the OWNER. On April 12, 2010, a Notice of Violation for Unapproved Grading and an Illegal Grading Notification was mailed to OWNER by certified mail, return receipt requested.

8. On August 2, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNER and was posted on THE PROPERTY on August 9, 2010.

FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the substandard structures and unapproved grading on the real property located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California, also identified as Assessor's Parcel Number 434-260-016 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the conditions by razing, removing and disposing of the substandard structures, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction of said structure and restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion 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 of the posting and mailing of this Order to Abate Nuisance.

3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year hold on the issuance of building permits and land use approval may be placed on THE PROPERTY. Upon restoration of THE PROPERTY and payment of the lien, the five (5) year hold on the building



1 permit issuance and land use approvals will be released.

2 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
3 which judicial review of the administrative determinations made herein must be sought is ninety (90)
4 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
5 and is governed by California Code of Civil Procedure Section 1094.6.

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the substandard structures and unapproved grading on
8 THE PROPERTY located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California,
9 also identified as Assessor's Parcel Number 434-260-016 be abated by OWNER, and anyone having
10 possession or control of THE PROPERTY, by razing and removing the substandard structures
11 including the removal and disposal of all structural debris and materials, as well as the contents
12 therein, or by reconstruction of said structure and restoring THE PROPERTY to the satisfaction of
13 the Department of Building and Safety so as to prevent offsite drainage and slope erosion provided
14 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
15 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
16 (90) days of the posting and mailing of this Order to Abate Nuisance.

17 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
18 disposed of, or reconstructed and THE PROPERTY restored to the satisfaction of the Department of
19 Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all
20 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
21 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
22 structure, contents therein, and structural debris and materials and unapproved grading shall be abated
23 by representatives of the Riverside County Code Enforcement Department, a contractor, or the
24 Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under
25 applicable law authorizing entry onto THE PROPERTY.

26 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
27 asbestos containing materials in said structure by survey and materials sample testing by a duly
28 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure



FORM APPROVED COUNTY COUNSEL
BY: 10/16/10 DATE
BY: L. ALEXANDRA FONG

1 the removal of all asbestos containing materials discovered through such survey and testing by
2 contract with a duly certified and licensed contractor for the handling of such materials to avoid
3 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
5 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
6 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
7 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
8 means "any costs or expenses reasonably related to the abatement of conditions which violate County
9 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
10 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
11 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
12 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
13 ninety (90) days of the date of this Order to Abate Nuisance.

14 Dated: October 19, 2010

COUNTY OF RIVERSIDE

15
16 By Marion Ashley
Marion Ashley,
Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20
21
22 By Kamugutan
23 Deputy
24 (SEAL)
25
26
27
28



2010-0512225
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.asrcrkrec.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: 22761 Alessandro Avenue, San Jacinto
Case Nos.: CV 10-02736 & CV 10-02760; APN: 434-260-016; District 3

HSBC BANK USA, N.A., TRUSTEE
C/O OCWEN LOAN SERVICING
12650 INGENUITY DR.
ORLANDO, FL 32826

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 <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>MAURICE</u> C. Date of Delivery <u>NOV 15 2010</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
1. Article Addressed to: HSBC BANK USA NA TRUSTEE C/O OCWEN LOAN SERVICING 12650 INGENUITY DR ORLANDO FL 32826		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.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<u>CV 10-02736 & 10-02760 (HSBC BANK) F&F 1</u>		<u>7010 0290 0002 1422 3797</u>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PROOF OF SERVICE

Case Nos. CV 10-02736 & CV 10-02760

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 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.


BREND A PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 12, 2010

RE CASE NO: CV1002736

I, Anita Bustillos, 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 11/12/2010 at 12:03 p.m., I securely and conspicuously posted Notice of Public Nuisance / Substandard Structure and Unapproved Grading at the property described as:

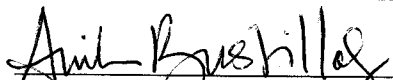
Property Address: 22761 ALESSANDRO AVE, SAN JACINTO

Assessor's Parcel Number: 434-260-016

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

Executed on November 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 12, 2010

RE CASE NO: CV1002760

I, Anita Bustillos, 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 11/12/2010 at 12:03 p.m., I securely and conspicuously posted Notice of Public Nuisance / Substandard Structure and Unapproved Grading at the property described as:

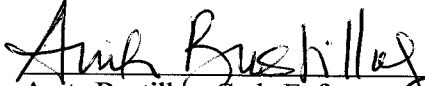
Property Address: 22761 ALESSANDRO AVE, SAN JACINTO

Assessor's Parcel Number: 434-260-016

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

Executed on November 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician