

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

404B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-02894 [CARTER]
Subject Property: 41188 Gibbel Road, Hemet; APN: 450-210-005
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02894 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 10-02894; 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 10-02894.

Departmental Concurrence

(Continued)

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: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: February 8, 2011
xc: Co.Co.(3); Recorder

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

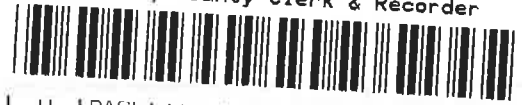
Dep't Recomm.:
Per Exec. Ofc.:

2.14

Abatement of Public Nuisance
Case No.: CV10-02894 [CARTER]
41188 Gibbel Road, Hemet
District Three
Page 2

BACKGROUND:

On January 11, 2011, 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 (main dwelling) 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)

S	R	U	PAGE	SIZE	PCOR	NCOR	SMF	NCHG	EXAM	OPY
1			465	426						
M	A	L								

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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-02894
12 [SUBSTANDARD STRUCTURE]; APN 450-210-)
13 005, 41188 GIBBEL ROAD, HEMET, COUNTY) FINDINGS OF FACT,
14 OF RIVERSIDE, STATE OF CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 WILLIAM R. CARTER, OWNER.) ABATE NUISANCE
) [R.C.O. Nos. 457 (RCC Title 15)]

16 The above-captioned matter came on regularly for hearing on January 11, 2011, 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 41188 Gibbel Road, Hemet, Assessor's Parcel Number 450-210-005 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 No one appeared on behalf of owner but attorney Craig Hardwick appeared on behalf of a
24 new interested party IBM Lender Business Process Services, Inc.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
27 Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as William R. Carter (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: JP Morgan Chase Bank, NA (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 28, 2010,
7 September 16, 2010, December 16, 2010 and January 6, 2011.

8 4. During each inspection, one substandard structure (main dwelling) was observed on
9 THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The
10 structures contained numerous deficiencies, including but not limited to: hazardous plumbing; lack of
11 required electrical lighting; hazardous wiring; members of ceilings, roofs, ceiling and roof supports or
12 other horizontal members which sag, split or buckle due to defective material or deterioration; faulty
13 weather protection; general dilapidation or improper maintenance; and abandoned/vacant, public and
14 attractive nuisance.

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

17 6. A Notice of Noncompliance was recorded on July 19, 2010, as Document Number
18 2010-0335472 in the Office of the County Recorder, County of Riverside.

19 7. On April 28, 2010, a Notice of Violation, Notice of Defects and a “Danger Do Not
20 Enter” sign was posted on THE PROPERTY. On April 29, 2010, a Notice of Violation for the
21 substandard structure was mailed to OWNER by certified mail, return receipt requested.

22 8. On December 14, 2010, a “Notice to Correct County Ordinance Violations and Abate
23 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on January
24 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
25 PARTY and was posted on THE PROPERTY on December 16, 2010.

FINDINGS AND CONCLUSIONS

26
27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on January 11, 2011, finds and concludes that:

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02/09/2011 10:48A
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1 1. WHEREAS, the substandard structure (main dwelling) on the real property located at
2 41188 Gibbel Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number
3 450-210-005 violates Riverside County Ordinance No. 457 (RCC Chapter 15.16) and constitutes a
4 public nuisance.

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

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the substandard structure (main dwelling) on THE
18 PROPERTY be abated by the OWNER, William R. Carter, or anyone having possession or control of
19 THE PROPERTY, by razing and removing the substandard structure including the removal and
20 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and
21 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in
22 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
23 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
24 Nuisance.

25 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
26 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
28 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents

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1 therein, and structural debris and materials, may be abated by representatives of the Riverside County
2 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
3 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
4 PROPERTY.

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

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

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1 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety
3 (90) days of the date of this Order to Abate Nuisance.

4
5 Dated: February 8, 2011

COUNTY OF RIVERSIDE

6
7 By Bob Buster
8 Bob Buster
9 Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13 By Karen Berger
14 Deputy
15 (SEAL)



FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong / 1/25/11 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.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:

2-8-11

Signature:

Karen Barton

Print Name:

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




NOTICE LIST

Subject Property: 41188 GIBBEL RD.

Case No.: CV10-02894

APN: 450-210-005; District 3

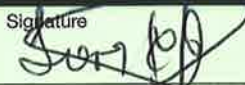
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: IBM LENDER BUS. PROCESS SRV INC C/O ROUTH CRABTREE OLSEN, PS 505 NORTH TUSTIN AVE STE 243 SANTA ANA CA 92705 ATTN: KATHY SHAKIBI <i>CV10-02894 (After) FF 3</i>	B. Received by (Printed Name) <i>Dipah Ai</i>	C. Date of Delivery <i>3-17</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7010 1670 0001 7232 1404	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

NOTICE LIST

Subject Property: 41188 GIBBEL RD.

Case No.: CV10-02894

APN: 450-210-005; District 3

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.	A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: JP MORGAN CHASE BANK NA ADORNO YOSS ALVARADO & SMITH 1 MACARTHUR PLACE SUITE 200 SANTA ANA CA 92707 ATTN: CRAIG D HARDWICK	B. Received by (<i>Printed Name</i>) C. Date of Delivery MAR 17
<i>CV10-02894 (Carter) FB3</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	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.
PS Form 3811, February 2004	4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes
7010 1670 0001 7232 1381	
Domestic Return Receipt 102595-02-M-1540	

NOTICE LIST

Subject Property: 41188 GIBBEL RD.

Case No.: CV10-02894

APN: 450-210-005; District 3

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 checked="" type="checkbox"/> <i>William R Carter</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 3/17/11</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>
1. Article Addressed to: WILLIAM R CARTER 4338 HARBOR COURT HEMET CA 92545-8900	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.
<i>CV10-02894 (CASE) FF 3</i>	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7010 1670 0001 7232 1398
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

PROOF OF SERVICE

Case No. CV10-02894

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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, Suite 500, Riverside, California 92501-3674.

That on March 15, 2011, 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)**

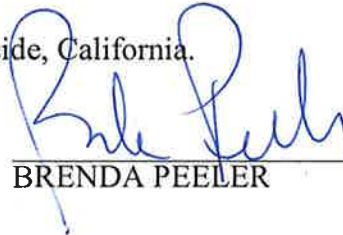
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 March 15, 2011, at Riverside, California.



BREND A PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

March 17, 2011

RE CASE NO: CV1002894

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 03/17/2011 at 10:30 a.m., I securely and conspicuously posted Findings of Fact Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 41188 GIBBEL RD, EAST HEMET

Assessor's Parcel Number: 450-210-005

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

Executed on March 17, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician

Carter