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





FROM: County Counsel/TLMA

Code Enforcement Department

SUBMITTAL DATE: January *21*, 2011

**SUBJECT:** Order to Abate [Substandard Structures & Accumulated Rubbish]

Case Nos.: CV06-1580 [MENDEZ]

Subject Property: 70615 Miramar Dr., Mecca; APNs: 723-071-017 & 723-071-019

District: Four

#### **RECOMMENDED MOTION:** Move that:

The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1580 be 1. approved;

- The Chairman of the Board of Supervisors be authorized to execute the Findings 2. of Fact, Conclusions and order to Abate in Case No. CV 06-1580; and
- The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, 3. Conclusions and Order to Abate in Case No. CV 06-1580.

L. ALEXANDRA FONG, Deputy County Counsel (Continued) for PAMELA J. WALLS, County Counsel In Current Year Budget: Current F.Y. Total Cost: \$ N/A N/A FINANCIAL Current F.Y. Net County Cost: \$ N/A **Budget Adjustment:** N/A DATA **Annual Net County Cost:** For Fiscal Year: N/A \$ N/A Positions To Be SOURCE OF FUNDS: Deleted Per A-30 Requires 4/5 Vote C.E.O. RECOMMENDATION: Jennifer L.

Policy 

Departmental Concurrence

Consent Consent Ø V

#### 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

**County Executive Office Signature** 

Absent: Date:

None

February 8, 2011

XC:

Co.Co.(3); Recorder

Kecia Harper-Ihem Clerk of the Board

Dep't Recomm Ofc Exec

Prev. Agn. Ref.: 1/11/11; 9.9

District: 4

Agenda Number:

Abatement of Public Nuisance Case No.: CV06-1580 70615 Miramar Dr., Mecca District Four 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 structures (dwelling, shed, guest house and free standing carport) 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.

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DOC # 2011-0064010 02/09/2011 10:40A Fee:NC RECORDING REQUESTED BY: 1 Page 1 of 7 Kecia Harper-Ihem, Clerk of the Recorded in Official Records 2 Board of Supervisors County of Riverside Larry W. Ward (Stop #1010) County Clerk & Recorder 3 4 COPY 5 WHEN RECORDED PLEASE MAIL TO: L. Alexandra Fong, Deputy County Counsel M 6 465 PCOR 426 NCOR SMF NCHO County of Riverside DONOHO IT: 7 OFFICE OF COUNTY COUNSEL CTY 3960 Orange Street, Suite 500 (Stop #1350) 8 Riverside, CA 92501 [EXEMPT'6103] 9 BOARD OF SUPERVISORS 10 **COUNTY OF RIVERSIDE** 11 IN RE ABATEMENT OF PUBLIC NUISANCE: CASE NO.: CV 06-1580 12 **SUBSTANDARD STRUCTURES AND** ACCUMULATION OF RUBBISHI: APNS 723-FINDINGS OF FACT. 13 071-017 AND 723-071-019, 70615 MIRAMAR CONCLUSIONS AND ORDER TO DR., MECCA, COUNTY OF RIVERSIDE, ABATE NUISANCE 14 STATE OF CALIFORNIA; ROMAN MENDEZ, LAURA MENDEZ, OWNERS. [R.C.O. Nos. 457 (RCC Title 15), 541 15 (RCC Title 8) and 725 (RCC Title 1)] The above-captioned matter came on regularly for hearing on January 11, 2011, before the 16 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor 17 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real 18 property described 70615 Miramar Dr., Mecca, Assessor's Parcel Numbers 723-071-017 and 723-19 071-019 and referred to hereinafter as "THE PROPERTY." 20 21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department. 22 23 No one appeared on behalf of owner. The Board of Supervisors received the Declaration of the Code Enforcement Officer together 24 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE 25 26 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. 27 111 28

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

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#### SUMMARY OF EVIDENCE

- Documents of record in the Riverside County Recorder's Office identify the owner of 1. THE PROPERTY as Roman Mendez and Laura Mendez ("OWNERS").
- Documents of title indicate that other parties potentially hold a legal interest in THE 2 PROPERTY, to-wit: SMTD Corporation, Carlos J. Ortega as Trustee of the O.O. Irrevocable Trust Established May 28, 1993, Oscar Ortega, Ramona Ortega, Sergio Mendez, Demetrio Mendez, Demitrus Mendez, Sonya Campos and Marcos Campos ("INTERESTED PARTIES").
- THE PROPERTY was inspected by Code Enforcement Officers on June 21, 2007, 3. October 12, 2007, April 7, 2008, August 27, 2008, September 30, 2008, November 24, 2008, December 29, 2008, January 29, 2009, February 24, 2009, March 30, 2009, April 28, 2009, May 27, 2009, September 29, 2009, October 26, 2009, December 2, 2009, March 1, 2010, May 13, 2010, July 19, 2010 and December 20, 2010.
- 4. During each inspection, four substandard structures (dwelling, shed, guest house and free standing carport) 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: 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; faulty weather protection – deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken windows or doors, lack of paint or other approved wall covering; public and attractive nuisance; general dilapidation or improper maintenance; and members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- During each inspection an accumulation of rubbish was observed throughout THE 5. PROPERTY consisting of but not limited to: wood, plastic, two RV axle frames, rock, a 50 gallon drum of oil, camper shells, appliances, two couches, weight lifting bench, tires, auto parts, wheel barrow and general household debris.
- 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

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- 7. A Notice of Noncompliance was recorded on November 24, 2008, as Document Number 2008-0623701 in the Office of the County Recorder, County of Riverside.
- On June 21, 2007, Notices of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On July 12, 2007, December 13, 2007 and December 31, 2008, Notices of Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.
- 9 On December 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on December 20, 2010.

#### FINDINGS AND CONCLUSIONS

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

- WHEREAS, the substandard structures (dwelling, shed, guest house and free standing 1. carport) and accumulation of rubbish on the real property located at 70615 Miramar Dr., Mecca, Riverside County, California, also identified as Assessor's Parcel Numbers 723-071-017 and 723-071-019 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.
- 2. WHEREAS, the OWNERS, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structures condition 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 and rehabilitation of said structures 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.
- 3. WHEREAS, the OWNERS, occupants and any other person having possession or control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of all rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances, including

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but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

#### ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (dwelling, shed, guest house and free standing carport) on THE PROPERTY be abated by the OWNERS, Roman Mendez and Laura Mendez, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation 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.

IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and disposed of, or reconstructed and rehabilitated 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, the substandard structures, contents therein, and structural debris and materials, may be abated by representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by survey and materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure the removal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid

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citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC Chapter 8, 120) within ninety (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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recoverable from the OWNERS even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: February 8, 2011

**COUNTY OF RIVERSIDE** 

Bob Buster Chairman, Board of Supervisors

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ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

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2011-0064010 02/09/2011 10:40A 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.asrclkrec.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:

Signature:

Print Name:

Kullingeter

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



Originals filed with the Clerk of the Board: Agenda No. 2.16 of 02/08/11 on the Consent calendar. PROOF OF SERVICE 1 Case No. CV06-1580 2 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE 3 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 4 proceeding; that my business address is 3960 Orange Street, Suite 500, Riverside, California 92501-5 3674. That on March 15, 2011, I served the following document(s): 6 7 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows: 8 OWNERS OR INTERESTED PARTIES 9 (SEE ATTACHED NOTICE LIST) 10 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. I am "readily familiar" XXwith the office's practice of collection and processing correspondence for mailing. Under 11 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. 12 BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices 13 of the addressee(s). 14 STATE - I declare under penalty of perjury under the laws of the State of California that the XXabove is true and correct. 15 FEDERAL - I declare that I am employed in the office of a member of the bar of this court at 16 whose direction the service was made. 17 EXECUTED ON March 15, 2011, at Riverside, California 18 19 BRENDA PEELER 2.0 21 22

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# CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE Director

## **AFFIDAVIT OF POSTING OF NOTICES**

March 22, 2011

RE CASE NO: CV061580

#### I, Lucero Iniguez, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276.

That on <u>03/22/2011</u> at <u>2:10 PM</u>, I securely and conspicuously posted Finding of Facts and Order to Abate Nuisance at the property described as:

Property Address: 70615 MIRAMAR DR, MECCA

Assessor's Parcel Number: 723-071-017

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

Executed on March 22, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By Lucero Inigues, Code Enforcement Officer

Subject Property: 70615 Miramar Dr., Mecca Case No.: CV 06-1580; APNs: 723-071-017 and 723-071-019; District 4

ROMAN MENDEZ LAURA MENDEZ PO BOX 821 THERMAL CA 92274

ROMAN MENDEZ LAURA MENDEZ 70615 MIRAMAR DR. MECCA CA 92254

OCCUPANT 70615 MIRAMAR DR. MECCA CA 92254

MR. AND MRS. OSCAR ORTEGA PO BOX 127 COACHELLA CA 92236

SERGIO MENDEZ 89-450 AIRPORT BLVD. SP#4 THERMAL CA 92274

DEMETRIO MENDEZ 27660 VIA REAL SUN CITY CA 92585

SONYA CAMPOS 24180 MILLSAP DR. MORENO VALLEY CA 92553

DEMETRIUS MENDEZ 24180 MILLSAP DR. MORENO VALLEY CA 92553

CARLOS J. ORTEGA, TRUSTEE C/O CHARLES M. ELLIS 77-622 COUNTRY BLUC DRIVE, STE. N PALM DESERT, CA 92260 LAURA MENDEZ 27660 VIA REAL SUN CITY CA 92585

MARCOS CAMPOS C/O JOHN E. BOUZANE, ESQ. CASE NO. LEC005859 634 OAK CT. SAN BERNARDINO CA 92410

Subject Property: 70615 MIRAMAR DRIVE, MECCA
Case No.: CV06-1580
APN: 723-071-017; District 4

	COMPLETE THIS SECTION ON DELIVERY
SENDER: COMPLETE THIS SECTION	
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature  X  B. Received by (Printed Name)  C. Date of Delivery  D. Is delivery address different from item 17  Yes
Article Addressed to:	If YES, enter delivery address below:
MARCOS CAMPOS C/O JOHN E BOUZANE ESQ CASE NO LEC005859 634 OAK CT SAN BERNARDINO CA 92410	3. Service Type
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PS Form 3811, February 2004 Domestic Ret	turn Receipt 102595-02-M-1540

Subject Property: 70615 MIRAMAR DRIVE, MECCA Case No.: CV06-1580 APN: 723-071-017; District 4

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Article Addressed to:	D. Is delivery address different from item 1?
ROMAN MENDEZ LAURA MENDEZ PO BOX 821 THERMAL CA 92274	3. Service Type
	☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Insured Mail ☐ C.O.D.
CUOG-1580 (HENDEZ) FOF 11	4. Restricted Delivery? (Extra Fee) ☐ Yes
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	eturn Receipt 102595-02-M-1540

Subject Property: 70615 MIRAMAR DRIVE, MECCA Case No.: CV06-1580 APN: 723-071-017; District 4

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Subject Property: 70615 MIRAMAR DRIVE, MECCA

Case No.: CV06-1580 APN: 723-071-017; District 4



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3960 Orange Street, Suite 500 Office of County Counsel Riverside, CA 92501

Subject Property: 70615 MIRAMAR DRIVE, MECCA

Case No.: CV06-1580

APN: 723-071-017; District 4





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3960 Orange Street, Suite 500 Riverside, CA 92501 Office of County Counsel

Subject Property: 70615 MIRAMAR DRIVE, MECCA

Case No.: CV06-1580 APN: 723-071-017; District 4



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Office of County Counsel Riverside, CA 92501

Subject Property: 70615 MIRAMAR DRIVE, MECCA

Case No.: CV06-1580 APN: 723-071-017; District 4



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3960 Orange Street, Suite 500 Office of County Counsel

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Subject Property: 70615 Miramar Dr., Mecca Case No.: CV 06-1580; APNs: 723-071-017 and 723-071-019; District 4



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3960 Orange Street, Suite 500 Riverside, CA 92501 Office of County Counsel

Subject Property: 70615 Miramar Dr., Mecca Case No.: CV 06-1580; APNs: 723-071-017 and 723-071-019; District 4



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office of County, Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

Subject Property: 70615 Miramar Dr., Mecca Case No.: CV 06-1580; APNs: 723-071-017 and 723-071-019; District 4



\*1004-02886-18-40 RETURN TO SENDER UNCLAIMED

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**DEMETRIO MENDEZ** 27660 VIA REAL SUN CITY CA 92585

3960 Orange Street, Suite 500 Office of County Counsel Riverside, CA 92501

Subject Property: 70615 Miramar Dr., Mecca

Case No.: CV 06-1580; APNs: 723-071-017 and 723-071-019; District 4



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MORENO VALLEY CA 92553 DEMETRIUS MENDEZ 24180 MILLSAP DR

3960 Orange Street, Suite 500 Riverside, CA 92501 Office of County Counsel