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

4108



FROM: County Counsel/TLMA

Code Enforcement Department

SUBMITTAL DATE: January 27, 2011

SUBJECT: Order to Abate [Substandard Structures] Case No: CV 09-12651 [YOUNGMAN]

Subject Property: 22640 Forrest Road, Perris; APN: 323-060-013

District: Five

RECOMMENDED MOTION: Move that:

- The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12651 1. be approved;
- The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 09-12651; 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 09-12651.

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: Budget Adjustment:** N/A \$ N/A DATA For Fiscal Year: N/A **Annual Net County Cost:** \$ N/A Positions To Be SOURCE OF FUNDS: Deleted Per A-30 Requires 4/5 Vote **C.E.O. RECOMMENDATION: APPROVE**

Policy Policy Consent

 \boxtimes

Consent 4

Departmental Concurrence

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:

None

Date:

February 8, 2011

XC:

Co.Co.(3); Recorder

Kecia Harper-Ihem Clerk of the Board

Exec. Ofc.

Jep't Recomm.:

Prev. Agn. Ref.: 1/11/11; 9.13 | District: 5

Agenda Number:

Abatement of Public Nuisance Case No.: CV09-12651 22640 Forrest Road, Perris District Five 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 (storage building and detached garage) 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 2 3 4	RECORDING REQUESTED BY: Kecia Harper-Ihem, Clerk of the Board of Supervisors (Stop #1010) DOC # 2011-0064013 02/09/2011 10:40A Fee:NC Page 1 of 6 Recorded in Official Records County of Riverside Larry W. Ward Assessor, County Clerk & Recorder	
5 6 7 8	WHEN RECORDED PLEASE MAIL TO: L. Alexandra Fong, Deputy County Counsel County of Riverside OFFICE OF COUNTY COUNSEL 3960 Orange Street, Suite 500 (Stop #1350) Riverside, CA 92501 S R U PAGE SIZE DA MISC LONG RFD COPY M A L 465 426 PCOR NCOR SMF NCHG EXAMPT 6103]	
10	BOARD OF SUPERVISORS	
11 12 13 14 15	IN RE ABATEMENT OF PUBLIC NUISANCE: [SUBSTANDARD STRUCTURES]; APN 323- 060-013, 22640 FORREST ROAD, PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA; MICHAEL A. YOUNGMAN, OWNER. (CASE NO. CV 09-12651 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE [R.C.O. Nos. 457 (RCC Title 15) and 725 (RCC Title 1)]	
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 22640 Forrest Road, Perris, Assessor's Parcel Number 323-060-013 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.	
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.	
27		

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

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- 2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: MAB, Inc., RPST, John D. Wahlin, Mary A. Cox, Trustee, ATI Title Company, Lagunita Investments, Custom Realty Services, Inc., Metier Realty, Inc., Annette Johnston, Herbert Johnson and Oceana Financial Services ("INTERESTED PARTIES").
- THE PROPERTY was inspected by Code Enforcement Officers on February 18,
 April 1, 2010, June 25, 2010, August 31, 2010 and January 7, 2011.
- During each inspection, two substandard structures (storage building and detached garage) 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: members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance; lack of hot and cold running water to plumbing fixtures; hazardous wiring; defective or deteriorated flooring or floor supports; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; and unpermitted structures.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) by the Code Enforcement Officer.
- A Notice of Noncompliance was recorded on March 17, 2010, as Document Number
 2010-0123100 in the Office of the County Recorder, County of Riverside.
- 7. On February 18, 2010, Notices of Violation, Notice of Defects and a "Danger Do Not Enter" sign was posted on THE PROPERTY. On March 5, 2010, Notices of Violation for the substandard structures were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.
- 8. On August 23, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October



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- 5, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on August 31, 2010.
- 9. On October 7, 2010, a "Continued 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 October 12, 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:

- 1. WHEREAS, the substandard structures (storage building and detached garage) on the real property located at 22640 Forrest Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 323-060-013 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and constitutes a public nuisance.
- 2. WHEREAS, the OWNER, 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 OWNER 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 (storage building and detached garage) on THE PROPERTY be abated by the OWNER, Michael A. Youngman, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures

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

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) 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 recoverable from the OWNER even if THE

1	PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2	Nuisance.
3	
4	Dated: February 8, 2011 COUNTY OF RIVERSIDE
5	By Blo Bystu
6	Bob. Buster Chairman, Board of Supervisors
7	Chairman, Board of Supervisors
8	ATTEST:
9	
10	KECIA HARPER-IHEM
11	Clerk to the Board
12	KAI AII IRA JOU
13	By OWWARD
14	Deputy
	(SEAL)
15	
16	



2011-0064013 02/09/2011 10:40A 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.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:

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

Originals filed with the Clerk of the Board: Agenda No. 2.19 of 02/08/11 on the Consent calendar, PROOF OF SERVICE 1 Case No. CV09-12651 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 92501-3674. 5 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 \underline{XX} above 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 PEEDER 20 21 22 23 24 25 26

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CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE Director

AFFIDAVIT OF POSTING OF NOTICES

March 22, 2011

RE CASE NO: CV0912651

I, Jennifer Morris, 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 3/22/11 at 09:35 hrs, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 22640 FORREST RD, PERRIS

Assessor's Parcel Number: 323-060-013

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: Jennifer Morris, Code Enforcement Officer

Subject Property: 22640 Forrest Road, Perris Case No.: CV 09-12651 APN: 323-060-013; District 5

MICHAEL A YOUNGMAN 22640 FORREST ROAD PERRIS, CA 92570

MAB, INC. 10717 INDIANA AVENUE RIVERSIDE, CA 92503

RPST PO BOX 56033 RIVERSIDE, CA 92517

JOHN D. WAHLIN BEST, BEST & KRIEGER PO BOX 1025 RIVERSIDE, CA 92502

MARY A COX, TRUSTEE PO BOX 372 BURLINGTON, VT 05402-0372

ATI TITLE COMPANY 6845 BROCKTON AVENUE RIVERSIDE, CA 92506

LAGUNITA INVESTMENTS PO BOX 5672 BALBOA ISLAND, CA 92662

CUSTOM REALTY SERVICES, INC. PO BOX 5875 BALBOA ISLAND, CA 92662

METIER REALTY, INC. PO BOX 5672 NEWPORT BEACH, CA 92662

ANNETTE JOHNSTON, TRUSTEE PO BOX 22436 HILTON HEAD, SC 29925-2436

HERBERT JOHNSON 28064 PALM VILLA DRIVE MENIFEE, CA 92584

OCEANA FINANCIAL SESRVICES 10717 INDIANA AVENIE RIVERSIDE, CA 92503

MICHAEL A YOUNGMAN 477 N OLIVE ST. ORANGE, CA 92866

Subject Property: 22640 Forrest Road, Perris Case No.: CV 09-12651 APN: 323-060-013; District 5

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 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 Agent B. Received by (Printed Name) C. Date of Delivery D. is delivery address different from item 1? Yes
Article Addressed to:	If YES, enter delivery address below:
MICHAEL A YOUNGMAN 22640 FORREST ROAD PERRIS CA 92570	
TERRIO ON OZOTO	3. Service Type
	☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ C.O.D.
CV09-12651 (Yungman) For 13	4. Restricted Delivery? (Extra Fee)
	1 0007 2535 7407 📑 💃 🤾
PS Form 3811, February 2004 Domestic Re	turn Receipt 102595-02-M-1540

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.	A. Signature X Agent Addressee B. Received by (Printed Name) D. Is delivery address different from item 1? If YES, enter delivery address below:
1. Article Addressed to: JOHN D WAHLIN BEST BEST & KRIEGER PO BOX 1025 RIVERSIDE CA 92502	3. Service Type Certified Mail Registered Express Mail Registered Receipt for Merchandise
W09-12651 (YungHAn) For 13	☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number 7010 1	670 0001 7232 1671 Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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Article Addressed to:	II 120, onto domory and
HERBERT JOHNSON 28064 PALM VILLA DRIVE MENIFEE CA 92584	3. Service Type Certified Mail Registered Insured Mail C.O.D.
A los (2) 5 (1/2) LE 12	4. Restricted Delivery? (Extra Fee)
W09-12651 (YoungHM) FF 13	
2. Article Number 7010 7	TTI TI (): F12 - E12 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
PS Form 3811, February 2004 Domestic Re	eturn Receipt 102595-02-M-1540

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1. Article Addressed to:	If YES, enter delivery address below:
MICHAEL A YOUNGMAN 477 N OLIVE STREET ORANGE CA 92866	3. Service Type
	Certified Mail Registered Insured Mail C.O.D.
alminist (VincHAN) FAF 13	4. Restricted Delivery? (Extra Fee) Yes
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PS Form 3811, February 2004 Domestic Re	eturn Receipt 102595-02-M-1540

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1. Article Addressed to:	If YES, enter delivery address below: 7 11 No
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	eturn Receipt 102595-02-M-1540

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LAGUNITA INVESTMENTS PO BOX 5672 BALBOA ISLAND CA 92662	If YES, enter delivery address below:
WOG-12651 (Youngman) FOF B	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	70 0001 7232 1718
PS Form 3811, February 2004 Domestic Rev	turn Receipt 102595-02-M-1540

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CUSTOM REALTY SERVICES INC PO BOX 5875 BALBOA ISLAND CA 92662	3. Service Type ☐-Certified Mail ☐ Express Mail
A ha 1215, (1)	☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
CNO9-12651 (YWNGHAM) FOF 13	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) 7010 16	70 0001 7232 1725
PS Form 3811, February 2004 Domestic Ret	urn Receipt 102595-02-M-1540

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.	A. Signature A.
MARY A COX TRUSTEE PO BOX 372 BURLINGTON VT 05402-0372	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
2. Article Number (Transfer from service label) PS Form 3811, February 2004 Domestic Return	3. Service Type Certified Mail Registered Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) Centre Type Return Receipt for Merchandise C.O.D. Yes

Subject Property: 22640 Forrest Road, Perris Case No.: CV 09-12651 APN: 323-060-013: District 5



Subject Property: 22640 FORREST RD., PERRIS

Case No.: CV09-12651 APN: 323-060-013; District 5



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DESCRIPTION OF SECTION OF SECTION

3960 Orange Street, Suite 500 Office of County Counsel

Riverside, CA 92501

Subject Property: 22640 FORREST RD., PERRIS Case No.: CV09-12651

APN: 323-060-013; District 5



OCEANA FINANCIAL SERVICES 10717 INDIANA AVENUE RIVERSIDE CA 92503 NHXHM

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

Subject Property: 22640 FORREST RD., PERRIS
Case No.: CV09-12651
APN: 323-060-013; District 5



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

Subject Property: 22640 FORREST RD., PERRIS Case No.: CV09-12651 APN: 323-060-013; District 5



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