

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

413B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 14, 2011

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case No. : CV10-07493 [BURKS]
Subject Property: 21060 Rider Street, Perris; APN: 318-171-027
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-07493 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 10-07493; 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 10-07493.

(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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY:
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 26, 2011
xc: (Cp.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Departmental Concurrence
 Dep't Recomm.:
 Per Exec. Ofc.:
 Consent
 Policy

Abatement of Public Nuisance
Case No.: CV 10-07493 [BURKS]
21060 Rider Street, Perris
APN# 318-171-027
District One
Page 2

BACKGROUND:

On May 24, 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, excess outside storage and accumulation of rubbish 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 the 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)



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

[EXEMPT GC §§ 6103 and 27383]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-07493
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
14 OF RUBBISH]; APN 318-171-027, 21060 RIDER) CONCLUSIONS AND ORDER TO
15 STREET, PERRIS, COUNTY OF RIVERSIDE ,) ABATE NUISANCE
16 STATE OF CALIFORNIA; BERTRAM L.)
BURKS AND SHARON D. BURKS, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15), 348
(RCC Title 17), 541 (RCC Title 8) and
725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on May 24, 2011, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 21060 Rider Street, Perris, Riverside County, Assessor's Parcel Number 318-171-027 and
21 referred to hereinafter as "THE PROPERTY."

22 Lisa Traczyk, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348 (Riverside County Code Title 17), 457 (Riverside County Code Title 15) and 541 (Riverside

1 County Code Title 8), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Bertram L. Burks and Sharon D. Burks ("OWNERS").

5 2. Documents of title indicate that no other party potentially holds a legal interest in
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 8,
8 2010, October 18, 2010, October 26, 2010, January 5, 2011, January 10, 2011, February 1, 2011,
9 May 11, 2011 and May 23, 2011.

10 4. During each inspection, the substandard structure was observed on THE PROPERTY.
11 The structure was observed to be abandoned, dilapidated and vacant. The structure contained
12 numerous deficiencies, including but not limited to: hazardous wiring; member of ceiling, roofs,
13 ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective
14 material or deterioration; general dilapidation: public and attractive nuisance; and rear conversion to
15 habitable living space.

16 5. During each inspection an accumulation of rubbish and excess outside storage was
17 also observed throughout THE PROPERTY consisting of but not limited to: discarded furniture,
18 appliances, auto parts, scrap metal, plastic and household trash.

19 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Title 17), 457 (RCC Title 15) and 541 (RCC Title 8) by the Code Enforcement
21 Officer.

22 7. On September 17, 2010, a Notice of Noncompliance was recorded at the Riverside
23 County Recorder's Office as instrument numbers 2010-0447172.

24 8. On September 8, 2010, a Notice of Violation, Notice of Defects and "Danger- Do Not
25 Enter" signs were posted on THE PROPERTY. On September 9, 2010, Notices of Violation and
26 Notice of Defects were mailed by certified mail, return receipt requested to OWNERS. On
27 November 3, 2010, Notices of Violation were mailed by certified mail return receipt requested to
28 Keith Smith, a potential interested party.

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1 ORDER TO ABATE NUISANCE

2 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY be
3 abated by the OWNERS, specifically Bertram L. Burks and Sharon D. Burks, or anyone having
4 possession or control of THE PROPERTY, by razing and removing the substandard structure
5 including the removal and disposal of all structural debris and materials, as well as the contents
6 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
7 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
8 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
9 posting and mailing of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
11 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
12 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
13 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
14 therein, and structural debris and materials, may be abated and disposed of by representatives of the
15 Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon
16 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing
17 entry onto THE PROPERTY.

18 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
19 asbestos containing materials in said structure by survey and materials sample testing by a duly
20 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
21 the removal of all asbestos containing materials discovered through such survey and testing by
22 contract with a duly certified and licensed contractor for the handling of such materials to avoid
23 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

24 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
25 of materials on THE PROPERTY be abated by OWNERS or anyone having possession or control of
26 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
27 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
28 but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8),

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1 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
3 storage of materials is not removed and disposed of in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and
5 541 (RCC Title 8) within ninety (90) days of the date of this Order to Abate Nuisance, the
6 accumulation of rubbish and excessive outside storage of materials may be abated and disposed of by
7 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
8 Department upon receipt of an owner's consent or a Court Order when necessary under applicable
9 law.

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1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 348 (RCC Title 17), 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC
5 Title 1). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
6 expenses reasonably related to the abatement of conditions which violate County Land Use
7 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
8 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
9 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
10 recoverable from OWNER even if THE PROPERTY is brought into compliance within ninety (90)
11 days of the date of this Order to Abate Nuisance.

12
13 Dated: July 26, 2011

COUNTY OF RIVERSIDE

14 By Bob Buster
15 Bob Buster
16 Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20
21 By Karen Gutten
22 Deputy

23 (SEAL)



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28 L:\Code Enforcement\Abatements\2011\2010\CV 10-07493\348, 457, 541 FOF.DOC

FORM APPROVED COUNTY COUNSEL
BY: L. Alexandra Fong DATE 7/30/11

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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.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:

7-26-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 21060 Rider Street, Perris, CA Case No.: CV 10-07493;
APN: 318-171-027; District 1

BERTRAM L BURKS
SHARON D BURKS
624 FOX HOLLOW WAY
VACAVILLE CA 95687

KEVIN SMITH
21060 RIDER STREET
PERRIS CA 92570

PROOF OF SERVICE

Case No. CV10-07493

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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 August 18, 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)**

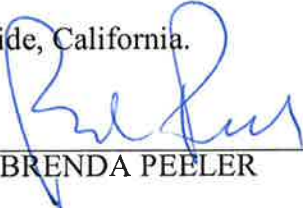
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 August 18, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

August 22, 2011

RE CASE NO: CV1007493

I, Cynthia Black, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 08/22/2011 at 10:00 a.m., I securely and conspicuously posted Findings Facts and Order to Abate at the property described as:

Property Address: 21060 RIDER ST, PERRIS

Assessor's Parcel Number: 318-171-027

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

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

CODE ENFORCEMENT DEPARTMENT


By: Cynthia Black, Sr. Code Enforcement Officer