

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

308B



FROM: County Counsel/TLMA
Code Enforcement Department

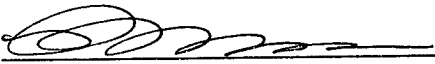
SUBMITTAL DATE:
September 22, 2011

SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 10-00708 [CEBALLOS]
Subject Property: 23385 Cowie Street, Perris, APN: 325-160-014
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-00708 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 10-00708; 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 10-00708.

(Continued)

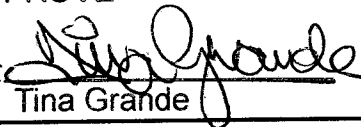


PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

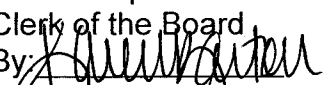
BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: October 4, 2011
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

2.14

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Consent Policy
 Consent Policy

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

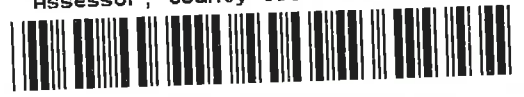
Abatement of Public Nuisance
Case No.: CV10-00708 [CEBALLOS]
23385 Cowie Street, Perris
APN#325-160-014
District 5
Page 2

BACKGROUND:

On September 13, 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 two (2) substandard structures (hay barn and stable) 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 # 2011-0443025
10/06/2011 03:06P 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 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

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[EXEMPT GC §§6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-00708
12 [SUBSTANDARD STRUCTURES]; APN 325-)
13 160-014, 23385 COWIE STREET, PERRIS,) FINDINGS OF FACT,
14 RIVERSIDE COUNTY, CALIFORNIA; ADOLFO) CONCLUSIONS AND ORDER TO
15 CEBALLOS, OWNER.) ABATE NUISANCE
)
) [R.C.O. Nos. 457 and 725
)

16 The above-captioned matter came on regularly for hearing on September 13, 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 23385 Cowie Street, Perris, Assessor's Parcel Number 325-160-014 and referred
20 to hereinafter as "THE PROPERTY."

21 Patricia Munroe, 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 two (2) substandard structures on THE PROPERTY as
26 violation of Riverside County Ordinance Nos. 457 and as a public nuisance.

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RECEIVED BOARD OF SUPERVISORS
RIVERSIDE COUNTY

2011-10-110022

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Adolfo Ceballos ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Argent Mortgage Company, LLC ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on February 1, 2010,
7 September 27, 2010, December 1, 2010, March 10, 2011 and August 11, 2011.

8 4. During each inspection, two (2) substandard structures (hay barn and stable) were
9 observed on THE PROPERTY. The structures contained numerous deficiencies, including but not
10 limited to: members of walls, partitions or other vertical supports that split, lean, list or buckle due to
11 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other
12 horizontal members which sag, split or buckle due to defective material or deterioration; dampness
13 of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public
14 and attractive nuisance and unpermitted.

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

17 6. A Notice of Noncompliance was recorded on March 5, 2010, as Document Number
18 2010-0102925 in the Office of the County Recorder, County of Riverside.

19 7. On February 1, 2010, Notices of Violation, Notice of Defects and a "Danger Do Not
20 Enter" sign was posted on THE PROPERTY. On February 8, 2010 and January 7, 2011, Notices of
21 Violation for the substandard structures were mailed to OWNER. On March 30, 2010, Notice of
22 Violation was mailed to INTERESTED PARTY.

23 8. On August 9, 2011, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
25 September 13, 2011, was mailed to OWNER and INTERESTED PARTY and was posted on THE
26 PROPERTY on August 11, 2011.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on September 13, 2011, finds and concludes that:

4 1. WHEREAS, the two (2) substandard structures (hay barn and stable) on the real
5 property located at 23385 Cowie Street, Perris, Riverside County, California, also identified as
6 Assessor's Parcel Number 325-160-014 violates Riverside County Ordinance Nos. 457 and
7 constitutes a public nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the two (2) substandard structures (hay barn and stable)
22 on THE PROPERTY be abated by the OWNER, Adolfo Ceballos, or anyone having possession or
23 control of THE PROPERTY, by razing and removing the substandard structures including the
24 removal and disposal of all structural debris and materials, as well as the contents therein, or by
25 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation
26 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
27 limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing
28 of this Order to Abate Nuisance.

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1 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
2 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
3 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
4 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
5 therein, and structural debris and materials, may be abated by representatives of the Riverside County
6 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
7 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
8 PROPERTY.

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

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

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1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3
4 Dated: October 4, 2011

COUNTY OF RIVERSIDE

5
6 By Bob Buster
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Kecia Harper-Ihem

13 Deputy

14 (SEAL)



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10/06/2011 03:06P
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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:

10-4-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 23385 Cowie St., Perris Case No.: CV10-00708
APN: 325-160-014; District Five

ADOLFO CEBALLOS
21455 SHARP RD
PERRIS CA 92570

ADOLFO CEBALLOS
23385 COWIE ST
PERRIS CA 92570

ADOLFO CEBALLOS
5482 TROTH ST
MIRA LOMA CA 91752

ARGENT MORTGAGE COMPANY LLC
PO BOX 14130
ORANGE CA 92863-1530

L:\Code Enforcement\Abatements\2011\2010\CV 10-
00708\Notice List.DOC

PROOF OF SERVICE

Case No. CV10-00708

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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 October 28, 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 October 28, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 2, 2011

RE CASE NO: CV1000708

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 11/1/11 at 11:55 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:


Property Address: 23385 COWIE ST, PERRIS

Assessor's Parcel Number: 325-160-014

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

Executed on November 2, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer