

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

910B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 10 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-03797 [MONTROYA and PINON]
Subject Property: 18871 Harness Road, Riverside; APN: 285-310-023
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-03797 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 10-03797; 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 10-03797.

(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 Ashley, 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: November 22, 2011
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

2.4

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Consent
 Policy
 Consent
 Policy
 Per Exec. Ofc.:

Departmental Concurrence

Abatement of Public Nuisance
Case No.: CV10-03797[MONTOYA and PINON]
18871 Harness Rd., Riverside
APN#285-310-023
District 1
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BACKGROUND:

On October 25, 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 (unpermitted barn) 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 # 2011-0522691

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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 10-03797
12	[SUBSTANDARD STRUCTURE]; APN 285-310-)	
13	023, 18871 HARNESS ROAD, RIVERSIDE,)	FINDINGS OF FACT,
14	RIVERSIDE COUNTY, CALIFORNIA; JOSE P.)	CONCLUSIONS AND ORDER TO
15	MONTOYA AND ENRIQUETA PINON,)	ABATE NUISANCE
	OWNERS.)	
)	[R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on October 25, 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 as 18871 Harness Road, Riverside, Assessor's Parcel Number 285-310-023 and
20 referred 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 Owners appeared but did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
26 Riverside County Ordinance Nos. 457 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 owners
3 of THE PROPERTY as Jose P. Montoya and Enriqueta Pinon (“OWNERS”).

4 2. Documents of title indicate other parties may potentially hold a legal interest in THE
5 PROPERTY, to-wit: Paramount Residential Mortgage Group, Inc. and Mortgage Electronic
6 Registration Systems, Inc. (collectively referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 5, 2010, July
8 30, 2010, September 29, 2010, October 19, 2010, March 21, 2011, September 29, 2011 and October
9 20, 2011.

10 4. During each inspection, a substandard structure (unpermitted barn) was observed on
11 THE PROPERTY. The structure was observed to be dilapidated. The structure contained numerous
12 deficiencies, including but not limited to: hazardous plumbing; hazardous wiring; members of walls,
13 partitions, or other vertical supports that split, lean, list or buckle due to defective material or
14 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members
15 which sag, split, or buckle due to defective material or deterioration; faulty weather protection -
16 deteriorated or ineffective weather proofing of exterior walls, roof or floors including broken
17 windows or doors, lack of paint or other approved wall covering; general dilapidation or improper
18 maintenance; improper occupancy.

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

21 6. A Notice of Noncompliance was recorded on September 17, 2010, as Document
22 Number 2010-0447171 in the Office of the County Recorder, County of Riverside.

23 7. On May 5, 2010, Notice of Violation, Notice of Defects and a “Danger Do Not Enter”
24 sign was posted on THE PROPERTY. On May 20, 2010, Notice of Violation for the substandard
25 structures was mailed to OWNERS by certified mail, return receipt requested and on August 17,
26 2010 was mailed to INTERESTED PARTIES.

27 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
28 providing notice of the public hearing before the Board of Supervisors on October 25, 2011 was

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1 mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on October 25, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structure (unpermitted barn) on the real property located
6 at 18871 Harness Road, Riverside, Riverside County, California, also identified as Assessor's Parcel
7 Number 285-310-023 violates Riverside County Ordinance Nos. 457 and constitutes a public
8 nuisance.

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

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structure (unpermitted barn) on THE
23 PROPERTY be abated by the OWNERS, Jose P. Montoya and Enriqueta Pinon, or anyone having
24 possession or control of THE PROPERTY, by razing and removing the substandard structure
25 including the removal and disposal of all structural debris and materials, as well as the contents
26 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
27 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
28 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the

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1 posting and mailing of this Order to Abate Nuisance.

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

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

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

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1 Department will be recoverable from the OWNERS 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: November 22, 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 [Signature]

13 Deputy

14 (SEAL)

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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: 11-22-11

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 18871 Harness Road, Riverside
Case No.: CV 10-03797; APN: 285-310-023; District 1

JOSE P MONTOYA
ENRIQUETA PINON
18871 HARNESS ROAD
RIVERSIDE CA 92504

PARAMOUNT RESIDENTIAL
MORTGAGE GROUP INC
1265 CORONA POINTE COURT SUITE 301
CORONA CA 92879

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS INC
POST OFFICE BOX 2026
FLINT MI 48501 2026

PROOF OF SERVICE

Case No. CV10-03797

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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 January 12, 2012, 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 January 12, 2012, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

March 1, 2012

RE CASE NO: CV1003797

I, Marco Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 17650 Cajalco Road, Perris, California 92570 .

That on 03/01/2012 at 1:29pm, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

Property Address: 18871 HARNESS RD, RIVERSIDE

Assessor's Parcel Number: 285-310-023

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

Executed on March 1, 2012 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Marco Diaz, Code Enforcement Technician