

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

9038



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 27, 2012


SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV08-10147 & CV09-02888 [SZANIAWSKI]
Subject Property: 9335 Reche Canyon Road, Colton; APN: 471-220-008
District: Five/Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV08-10147 & CV09-02888 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 Nos. CV08-10147 & CV09-02888; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV08-10147 & CV09-02888.

Departmental Concurrence

(Continued)

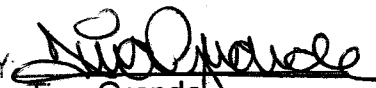

PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

Policy Policy


Consent Consent

Dept' REAPPACHMENTS FILED WITH THE CLERK OF THE BOARD Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: None
Absent: Stone
Date: March 13, 2012
xc: Co.Co., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Abatement of Public Nuisance
Case Nos.: CV08-10147 & CV09-02888 [SZANIAWSKI]
9335 Reche Canyon Road, Colton
APN#471-220-008
District 5/5
Page 2

BACKGROUND:

On February 7, 2012, 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 four (4) substandard structures (sheds) 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.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)

DOC # 2012-0120768
03/15/2012

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document

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5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 08-10147 &
12 [SUBSTANDARD STRUCTURES AND) CV 09-02888
ACCUMULATION OF RUBBISH];)
13 APN 471-220-008,) FINDINGS OF FACT,
14 9335 RECHE CANYON ROAD, COLTON,) CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
15 VIRGINIA L. SZANIAWSKI AND) R.C.O. Nos. 457, 541 and 725
16 EDWARD W. SZANIAWSKI,)
17 OWNERS.)

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19 The above-captioned matter came on regularly for hearing on February 7, 2012, before the
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
22 property described as 9335 Reche Canyon Road, Colton, California, Riverside, Assessor's Parcel
23 Number 471-220-008 and referred to hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
25 Code Enforcement Officer and Stacy Baumgartner, Code Enforcement Officer, on behalf of the
26 Director of the Code Enforcement Department.

27 Owners did not appear. Attorneys Steele Gillaspey and David R. Cohen appeared as
28 interested parties, but did not address the Board of Supervisors.

1 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
2 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
3 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owners
7 of THE PROPERTY as Virginia L. Szaniawski and Edward W. Szaniawski ("OWNERS").

8 2. Documents of title indicate that other parties may potentially hold a legal interest in
9 THE PROPERTY, to wit: Mary Jan Moran McEntyre & Mitchell and Scott R. Kamrath, Esq.
10 (hereinafter collectively referred to as "INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on Aril 29, 2009,
12 December 9, 2009, March 17, 2010, May 6, 2010, July 12, 2010, October 7, 2010 and May 17, 2011.

13 4. During each inspection, four (4) substandard structures (sheds) were observed on
14 THE PROPERTY. The structures were observed to be dilapidated. The structures contained
15 numerous deficiencies, including but not limited to: members of walls, partitions or other vertical
16 supports that split, lean, lists or buckle due to defective material or deterioration; members of ceiling,
17 roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to
18 defective material or deterioration; faulty weather protection; general dilapidation or improper
19 maintenance; public and attractive nuisance.

20 5. During each inspection an accumulation of rubbish was observed throughout THE
21 PROPERTY consisting of but not limited to: green waste, wood piles, tires, large barrels, steel
22 drums, black bags full of trash, wheel barrels and household trash.

23 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 No. 457 and 541 by the Code Enforcement Officer.

25 7. A Notice of Noncompliance was recorded on June 2, 2009, as Document Number
26 2009-0279541 in the Office of the County Recorder, County of Riverside.

27 8. On April 29, 2009, Notices of Violation, Notice of Defects, a "Danger Do Not Enter"
28 and a "Do Not Dump" sign were posted on THE PROPERTY. On May 20, 2009, Notices of

1 Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and
2 were mailed to INTERESTED PARTIES on November 8, 2010, by certified mail, return receipt
3 requested.

4 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
5 providing notice of the public hearing before the Board of Supervisors on February 7, 2012, was
6 mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on February 7, 2012, finds and concludes that:

10 1. WHEREAS, the substandard structures (four sheds) and accumulation of rubbish on
11 the real property located at 9335 Reche Canyon Road, Colton, Riverside County, California, also
12 identified as Assessor's Parcel Number 471-220-008 violates Riverside County Ordinance Nos. 457
13 and 541 and constitutes a public nuisance.

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

21 3. WHEREAS, the OWNERS, occupants and any other person having possession or
22 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
23 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
24 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

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

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

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

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
26 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
27 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)

1 days of the date of this Order to Abate Nuisance.

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

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
12 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
13 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
14 collection and administrative costs, attorneys fees, and the costs associated with the removal or
15 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.

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Dated: 3/13/12

COUNTY OF RIVERSIDE

By 

John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By 

Deputy

(SEAL)



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

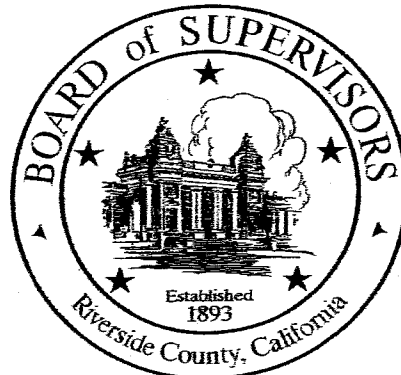
<http://riverside.asrcfrec.com>

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:

3/13/12

Signature:

April Eckles

Print Name: April Eckles , Board Assistant, Riverside County Clerk of the Board