

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



702B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
AUGUST 16, 2012

SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 08-03916 [ORTIZ]
Subject Property: 21701 Nance Street, Perris; APN: 315-162-014
District: 1/1

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03916 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 08-03916; 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 08-03916.

(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 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: August 28, 2012
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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.: CV08-03916 [ORTIZ]
21701 Nance Street, Perris
APN#315-162-014
District 1/1
Page 2

BACKGROUND:

On July 17, 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 substandard structures (dwelling and block wall) 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)

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

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

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

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-03916
12 [SUBSTANDARD STRUCTURES]; APN 315-)
162-014, 21701 NANCE STREET, PERRIS,)
13 RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
FRANCISCO ORTIZ AND MICHAEL ORTIZ,) CONCLUSIONS AND ORDER TO
14 OWNERS.) ABATE NUISANCE
15) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on July 17, 2012, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 21701 Nance Street, Perris, Assessor's Parcel Number 315-162-014 and referred to
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
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 structures on THE PROPERTY as violation of
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Francisco Ortiz and Michael Ortiz ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: State of California Franchise Tax Board, U.S. Attorney's Office Financial
6 Litigation Unit and Internal Revenue Service (hereinafter collectively referred to as "INTERESTED
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 19, 2010,
9 December 16, 2010, April 28, 2011, July 13, 2011, April 4, 2012 and July 16, 2012.

10 4. During each inspection, substandard structures (dwelling and block wall) were
11 observed on THE PROPERTY. The structures contained numerous deficiencies, including but not
12 limited to: lack of hot and cold running water to plumbing fixtures; lack of required electrical
13 lighting; members of walls, partitions, or other vertical supports that split, lean, list or buckle due to
14 defective material or deterioration; faulty weather protection; general dilapidation or improper
15 maintenance; public and attractive nuisance – abandoned/vacant; construction without permits.

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

18 6. A Notice of Pendency of Administrative Proceedings was recorded on April 26, 2012,
19 as Document Number 2012-0189813 in the Office of the County Recorder, County of Riverside.

20 7. On October 19, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not
21 Enter" signs were posted on THE PROPERTY. On October 25, 2010, a Notice of Violation for the
22 substandard structures was mailed to OWNERS by certified mail, return receipt requested.

23 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
24 providing notice of the public hearing before the Board of Supervisors on July 17, 2012, was mailed
25 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on July 17, 2012, finds and concludes that:

1 1. WHEREAS, the substandard structures (dwelling and block wall) on the real property
2 located at 21701 Nance Street, Perris, Riverside County, California, also identified as Assessor's
3 Parcel Number 315-162-014 violates RCO No. 457 and constitutes a public nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structures (dwelling and block wall) on
17 THE PROPERTY be abated by the OWNERS, Francisco Ortiz and Michael Ortiz, or anyone having
18 possession or control of THE PROPERTY, by razing and removing the substandard structures
19 including the removal and disposal of all structural debris and materials, as well as the contents
20 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and
21 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
22 including but not limited to RCO No. 457 within ninety (90) days of the posting and mailing of this
23 Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
26 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
27 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural
28 debris and materials, may be abated by representatives of the Riverside County Code Enforcement

1 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
2 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
13 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
14 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
15 collection and administrative costs, attorneys fees, and the costs associated with the removal or
16 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.

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4 Dated: August 28, 2012

COUNTY OF RIVERSIDE

5
6 By 

John F. Favagione
Chairman, Board of Supervisors

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8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By 

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.asrcfkrcc.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:

8-28-12

Signature:

Karen Barton

Print Name:

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