

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

310B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Oct. 3, 2012

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case Nos. : CV06-3898 and CV09-01585 [GUVIVENS]
Subject Property: 24462 Gunther Road, Romoland, APN: 327-110-004
District: 5/5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV06-3898 and CV09-01585 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. CV06-3898 and CV09-01585; 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. CV06-3898 and CV09-01585.

(Continued)

L. Alexong
L. ALEXANDRA EONG, 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*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, 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: October 16, 2012
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

2.8

Departmental Concurrence

Policy Consent

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

Abatement of Public Nuisance
Case Nos.: CV06-3898 & CV09-01585 [GUVENS]
24462 Gunther Road, Romoland
APN#327-110-004
District 5/5
Page 2

BACKGROUND:

On August 28, 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 accessory structures, 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.

NOTICE LIST

Subject Property: 24462 Gunther Road, Romoland

Case Nos.: CV 06-3898 & CV09-01585; APN: 327-110-004; District 5/5

RUBY IDA GUIVENS
24462 GUNTHER RD
ROMOLAND CA 92585

RUBY IDA GUIVENS
5713 SUNFIELD AVE
LAKEWOOD CA 90712

ROBERT CHANDLER ESQ
CHANDLER POTTER & ASSOCIATES
3800 ORANGE ST STE 270
RIVERSIDE CA 92501

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

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

Larry W Ward
County of Riverside
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

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 06-3898 and
12 [SUBSTANDARD STRUCTURES, EXCESSIVE) CV09-01585
13 OUTSIDE STORAGE AND ACCUMULATION)
14 OF RUBBISH]; APN 327-110-004, 24462) FINDINGS OF FACT,
15 GUNTHER ROAD, ROMOLAND, RIVERSIDE) CONCLUSIONS AND ORDER TO
16 COUNTY, CALIFORNIA; RUBY IDA GUIVENS,) ABATE NUISANCE
OWNER.)
R.C.O. Nos. 348, 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on August 28, 2012, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 24462 Gunther Road, Romoland, Assessor's Parcel Number 327-110-004 and
21 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 An attorney appeared on behalf of the property owner and addressed the Board of
25 Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials
28 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.

1 348, 457 and 541 and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner
4 of THE PROPERTY as Ruby Ida Guivens ("OWNER").

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 8, 2011,
8 September 2, 2011, November 30, 2011, March 20, 2012, June 19, 2012 and August 22, 2012.

9 4. During each inspection, four (4) substandard accessory structures were observed on
10 THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
11 structures contained numerous deficiencies, including but not limited to: hazardous wiring;
12 deteriorated or inadequate foundation; members of walls, partitions or other vertical supports that
13 split, lean list or buckle due to defective material or deterioration; members of ceiling, roofs, ceiling
14 and roof supports or other horizontal members which sag, split, or buckle due to defective material
15 or deterioration; faulty weather protection; general dilapidation or improper maintenance; and public
16 and attractive nuisance – abandoned/vacant.

17 5. During each inspection an accumulation of rubbish and excess outside storage was
18 also observed throughout THE PROPERTY consisting of but not limited to: rusted metal drums,
19 cylinders, pipes, poles and rods, wood debris, chicken coops, storage sheds, scrap lumber, pallets,
20 crates, metal roofing panels, dried vegetative waste, mental animal feeding units, heaters for chicken
21 coops, rusted farm equipment and scrap metal.

22 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 348, 457 and 541 by the Code Enforcement Officer.

24 7. On July 20, 2011, Notices of Pendency of Administrative Proceedings for the
25 substandard structures, excess outside storage and accumulated rubbish were recorded at the
26 Riverside County Recorder's Office as instrument numbers 2011-0318836 and 2011-0318838.

27 8. On June 8, 2011, Notices of Violation, Notice of Defects and "Danger- Do Not Enter"
28 signs were posted on THE PROPERTY. On June 20 and June 21, 2011, Notices of Violation and

1 Notice of Defects were mailed by certified mail, return receipt requested to OWNER.

2 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
3 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and d
4 was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on August 28, 2012, finds and concludes that:

8 1. WHEREAS, the four (4) substandard accessory structures, excessive outside storage
9 of materials and accumulation of rubbish on the real property located at 24462 Gunther Road,
10 Romoland, Riverside County, California, also identified as Assessor's Parcel Number 327-110-004
11 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

12 2. WHEREAS, the OWNER, occupants and any person having possession or control of
13 THE PROPERTY shall abate the four (4) substandard accessory structures by razing, removing and
14 disposing of the substandard structures, including the removal and disposal of all structural debris
15 and materials, and contents therein or by reconstruction and rehabilitation of said structures
16 provided that said reconstruction or demolition can be accomplished in strict accordance with all
17 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
18 within ninety (90) days.

19 3. WHEREAS, the OWNER, occupants and any other person having possession or
20 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
21 materials by removing and disposing of all rubbish and excessive outside storage on THE
22 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
23 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

24 4. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within
25 which judicial review of the administrative determinations made herein must be sought is ninety (90)
26 days from the posting and mailing of the Findings of Fact, Conclusions and Order to Abate
27 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

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1 **ORDER TO ABATE NUISANCE**

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

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

18 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
19 asbestos containing materials in said structures 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 OWNER 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 and 541, within ninety (90) days of the

1 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 and 541 within ninety
5 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
6 outside storage of materials may be abated and disposed of by representatives of the Riverside
7 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
8 owner's consent or a Court Order when necessary under applicable law.

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. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
13 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
14 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
15 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
16 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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

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4 Dated: October 16, 2012

COUNTY OF RIVERSIDE

5
6 By 

John F. Tavaglione
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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19 WED CO:
FORM APPROVED COUNTY COUNSEL
20 BY:  9/25/12
L. ALEXANDRA FONG DATE

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27 G:\Litigation\Code Enforcement\Abatements\2012\2006\CV06-3898 and CV09-01585\348, 457, 541 FOF.DOC



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

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

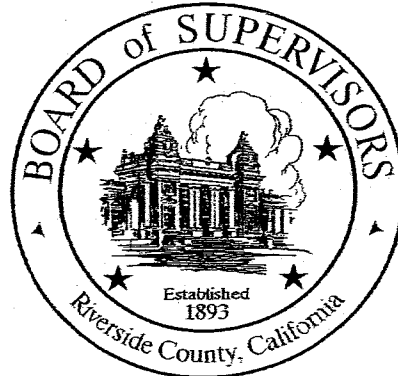
<http://riverside.asrcfkrcc.com>

CERTIFICATION

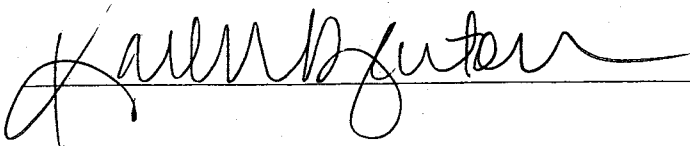
Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(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: 10-16-12

Signature: 

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