

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

412B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 28, 2011

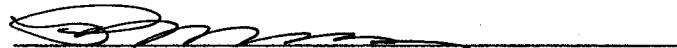
SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case Nos. : CV10-04959 and CV10-04860 [TORRES]
Subject Property: 1 Parcel East of 43823 "D" St., Hemet; APN: 549-161-009
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV10-04959 and CV10-04860 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. CV10-04959 and CV10-04860; 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. CV10-04959 and CV10-04860 .

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: 
for Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: January 10, 2012
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case Nos.: CV10-04959 & CV10-04860 [TORRES]
1 Parcel East of 43823 "D" St., Hemet
APN#549-161-009
District 3
Page 2

BACKGROUND:

On November 1, 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 (detached accessory structure), 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.

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

DOC # 2012-0013953
01/12/2012

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
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 10-04959 and
12 [SUBSTANDARD STRUCTURE, EXCESSIVE) CV10-04860
13 OUTSIDE STORAGE AND ACCUMULATION)
14 OF RUBBISH]; APN 549-161-009, 1 PARCEL) FINDINGS OF FACT,
15 EAST OF 43823 "D" STREET, HEMET,) CONCLUSIONS AND ORDER TO
ESTATE OF LUDIM TORRES, DECEDENT,) ABATE NUISANCE
OWNER.) R.C.O. Nos. 348, 457, 541 and 725

16
17 The above-captioned matter came on regularly for hearing on November 1, 2011, 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 1 Parcel East of 43823 "D" Street, Hemet, Assessor's Parcel Number 549-161-
21 009 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner's representative did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348, 457 and 541 and as a public nuisance.

COPY

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as The Estate of Ludim Torres, Decedent ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Lake Hemet Municipal Water District, Terry and Cindy Bratten
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 15, 2010,
8 September 21, 2010, October 13, 2010, November 22, 2010, December 20, 2010, January 13, 2011,
9 and October 5, 2011.

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

18 5. During each inspection an accumulation of rubbish and excess outside storage was
19 also observed throughout THE PROPERTY consisting of but not limited to: equipment, tools, crates,
20 hardware, scrap metal, green woody waste, truck shell, tires, batteries, household furniture and
21 rubbish.

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 October 20, 2010, Notices of Noncompliance for the substandard structure, excess
25 outside storage and accumulated rubbish were recorded at the Riverside County Recorder's Office as
26 instrument numbers 2010-0502733 and 2010-0502734.

27 8. On June 15, 2010, Notices of Violation, Notice of Defects and "Danger- Do Not
28 Enter" signs were posted on THE PROPERTY. On June 21, 2010 and June 23, 2010, Notices of

1 Violation and Notice of Defects were mailed by certified mail, return receipt requested to OWNER.
2 On October 20, 2010, Notices of Violation together with a Notice of Defects was mailed to
3 INTERESTED PARTIES.

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 was mailed to OWNER and
6 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 November 1, 2011, finds and concludes that:

10 1. WHEREAS, the substandard structure (detached accessory structure), excessive
11 outside storage of materials and accumulation of rubbish on the real property located at 1 Parcel East
12 of 43823 "D" Street, Hemet, Riverside County, California, also identified as Assessor's Parcel
13 Number 549-161-009 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a
14 public nuisance.

15 2. WHEREAS, the OWNER, occupants and any person having possession or control of
16 THE PROPERTY shall abate the substandard structure (detached accessory structure) by razing,
17 removing and disposing of the substandard structure, including the removal and disposal of all
18 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
19 structure provided that said reconstruction or demolition can be accomplished in strict accordance
20 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
21 457 within ninety (90) days.

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

27 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
28 NOTICED that the time within which judicial review of the administrative determinations made

1 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
2 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
3 Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

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

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

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

27 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
28 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of

1 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
2 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
3 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the
4 posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
6 storage of materials is not removed and disposed of in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
8 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
9 outside storage of materials may be abated and disposed of by representatives of the Riverside
10 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
11 owner's consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
16 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
17 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
18 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
19 removal or correction of the violation." Reasonable abatement costs accrued by the Code

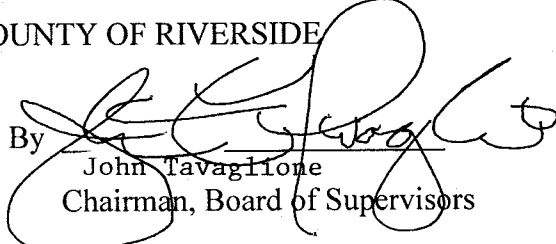
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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: January 10, 2012

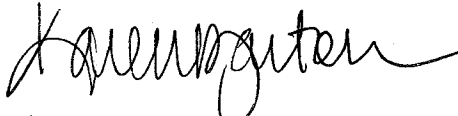
COUNTY OF RIVERSIDE

By 
John 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

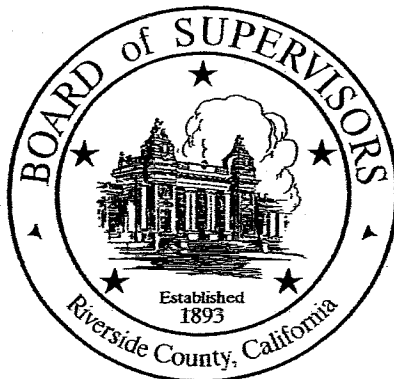
<http://riverside.asrc1krec.com>

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: 1-10-12

Signature: Karen Barton

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