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





FROM: County Counsel/TLMA

Code Enforcement Department

SUBMITTAL DATE: August 27, 2013

Departmental Concurrence

SUBJECT: Order to Abate [Substandard Structure]

Case No: 10-08836 [HARRIS]

Subject Property: 24036 Neighbors Blvd., Ripley; APN: 872-241-029

District: 4/4

RECOMMENDED MOTION: Move that:

- The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08836 1. be approved;
- The Chairman of the Board of Supervisors be authorized to execute the Findings 2. of Fact, Conclusions and order to Abate in Case No. CV 10-08836 and
- The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, 3. Conclusions and Order to Abate in Case No. CV 10-08836.

C.L.O. REC			18	Dulling
C.E.O. RECOMMENDATION:			APPROVE	
				Requires 4/5 Vote
SOURCE OF FUNDS:				Positions To Be Deleted Per A-30
DATA	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A
FINANCIAL	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	
	Current F.Y. Total Cost:	\$ N/A	In Current Year Budg	get: N/A
(Continued) PATRICIA MUNROE, Deputy County Court for PAMELA J. WALLS, County Counsel			Counsel	

Policy Policy Consent Consent

X

 \boxtimes

Dep't Recomm.:

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes:

Jeffries, Tavaglione, Stone and Benoit

Nays: Absent: None **Ashley**

County Executive Office Signature

Date:

September 10, 2013

XIII YILL SaCo.Co./TEMA-Code, Recorder

RECEIVED RIVERSIDE COUNTY LERK (FOART OF RUFERVISORS

Deputy

Kecia Harper-Ihem

Clerk of the Board

Tina Grande

Exec. Ofc.

Prev. Agn. Ref.: 08/20/13; 9.1

District: 4/4

Agenda Number:

Abatement of Public Nuisance Case No.: CV 10-08836 [HARRIS] 24036 Neighbors Blvd., Ripley APN# 872-241-029 District 4/4 Page 2

BACKGROUND:

On August 20, 2013, 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 (dwelling) 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 Board of Supervisors	OC # 2013-0445136			
3	(Stop #1010)	09/12/2013			
		Customer Copy Label is The paper to which this label is The paper to which the label is The paper to which the label is			
4		filed/recorded document			
5					
6	WHEN RECORDED PLEASE MAIL TO: Patricia Munroe, Deputy County Counsel	LATTY W WOLLA County of Riverside Recorder Assessor, County Clerk & Recorder			
_	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				
10	COUNTY OF RIVE	RSIDE			
11	DIDE ADATEMENT OF DUDI ICANICO	GAGDNO CW 10 0002C			
12	IN RE ABATEMENT OF PUBLIC NUISANCE:) [SUBSTANDARD STRUCTURE]; APN 872-241-)	CASE NO. CV 10-08836			
12	029, 24036 NEIGHBORS BLVD., RIPLEY,	FINDINGS OF FACT,			
13	RIVERSIDE COUNTY, CALIFORNIA; ESTATE) OF GEORGIA A. HARRIS, OWNER.	CONCLUSIONS AND ORDER TO ABATE NUISANCE			
14	(
15		[R.C.O. Nos. 457 and 725			
16	The above-captioned matter came on regularly f	for hearing on August 20, 2013, 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 24036 Neighbors Blvd., Ripley, Assessor's Parcel Number 872-241-029 and				
20	referred to hereinafter as "THE PROPERTY."				
21	Patricia Munroe, Deputy County Counsel, appea	red along with Michelle Cervantes, Senior			
22	Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.				
23	Owner's representative did not appear.				
24	The Board of Supervisors received the Declaration	on 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.				
27					
28		COPY			

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Estate of Georgia A. Harris ("OWNER").
- 2. Documents of title indicate that no other parties potentially hold a legal interest in THE PROPERTY.
- 3. THE PROPERTY was inspected by Code Enforcement Officers on December 15, 2010, and sixteen other dates throughout 2011, 2012 and 2013. The last inspection was conducted on August 15, 2013.
- 4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be dilapidated. The structure contained numerous deficiencies, including but not limited to: faulty weather protection; general dilapidation or improper maintenance; and public and attractive nuisance abandoned/vacant.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 by the Code Enforcement Officer.
- 6. A Notice of Pendency of Administrative Proceedings was recorded on June 2, 2011, as Document Number 2011-0243646 in the Office of the County Recorder, County of Riverside.
- 7. On December 15, 2010, Notice of Violation, Notice of Defects and a "Danger Do Not Enter" signs were posted on THE PROPERTY. On February 8, 2011, Notice of Violation for the substandard structure was mailed to OWNER by certified mail, return receipt requested.
- 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on August 20, 2013, was mailed to OWNER and was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 20, 2013, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) on the real property located at 24036 Neighbors Blvd., Ripley, Riverside County, California, also identified as Assessor's Parcel Number 872-241-029 violates RCO No. 457 and constitutes a public nuisance.

- 2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structure by razing, removing and disposing of the substandard structure, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structure provided that said reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days.
- 3. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by <u>California Code of Civil Procedure</u> Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE PROPERTY be abated by the OWNER, Estate of Georgia A. Harris, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure

the removal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

12 ///

1

2

3

4

5

6

7

8

9

10

11

13 1///

14 | ///

15 | / / /

16 ///

17 1//

18 | / / /

19 | ///

20 1///

21 ///

22 ///

23 ///

24 ///

25 ///

- 11..

26 ///

27 | ///

28 | ///

1	Department will be recoverable from the OWNER even if THE PROPERTY is brought int			
2	compliance within ninety (90) days of the date of this Order to Abate Nuisance.			
3				
4	Dated: <u>September 10, 201</u> 3 COUNTY OF RIVERSIDE			
5	(1) (1)			
6	By John J. Benoit			
7	Chairman, Board of Supervisors			
8				
9	ATTEST:			
10	KECIA HARPER-IHEM			
11	Clerk to the Board			
12	By Karenbarton			
13	Downton Downton			
14	Deputy			
15	(SEAL)			
16				
17				
18				
19				
20				



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

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

http://riverside.asrcikrec.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:

Signature:

Print Name:

Allengaton

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