

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

910B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 10, 2014

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV12-04699 [ESTATE OF TORRES]
Subject Property: 1 Parcel East of 43823 D St., Hemet; APN: 549-161-009
District: 3/3 [\$0.00]

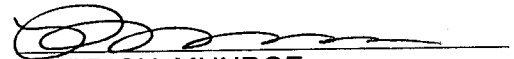
- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04699;
 2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04699; and
 3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04699.

BACKGROUND:

Summary

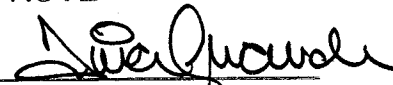
On February 25, 2014, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structures (dwelling) located on the subject property to be a public nuisance. The Board ordered the property owner

(Continued)


PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy
NET COUNTY COST	\$	\$	\$	\$	


SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE
BY: 
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 8, 2014
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Departmental Concurrence

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

DOC # 2014-0130928
04/10/2014

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 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-04699
12 [SUBSTANDARD STRUCTURES];)
13 APN 549-161-009, 1 PARCEL EAST OF 43823 D) FINDINGS OF FACT,
14 STREET, HEMET, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 OWNER.) ABATE NUISANCE
) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on February 25, 2014, 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 1 Parcel East of 43823 D Street, Hemet, Assessor's Parcel Number 549-161-
20 009 and referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

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

SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as Estate of Ludim Torres (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Lake Hemet Municipal Water District and State of California Franchise Tax
6 Board (hereinafter collectively referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 20, 2012,
8 March 7, 2013, May 8, 2013, October 4, 2013, January 21, 2014 and January 23, 2014, and February
9 24, 2014.

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

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

19 6. A Notice of Pendency of Administrative Proceedings was recorded on September 18,
20 2012, as Document Number 2012-0445636 in the Office of the County Recorder, County of
21 Riverside.

22 7. On August 20, 2012, Notice of Violation, Notice of Defects and a “Danger Do Not
23 Enter” sign were posted on THE PROPERTY. On September 6, 2012, Notice of Violation and
24 Notice of Defects for the substandard structures were mailed to OWNER by first class mail. On
25 October 3, 2012, a Notice of Violation and Notice of Defects were mailed to OWNER by certified
26 mail, return receipt requested. On March 14, 2013, a Notice of Violation and Notice of Defects were
27 mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

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1 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
2 providing notice of the public hearing before the Board of Supervisors on February 25, 2014, was
3 mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

4 FINDINGS AND CONCLUSIONS

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on February 25, 2014, finds and concludes that:

7 1. WHEREAS, the substandard structures (pool house and pool) on the real property
8 located at 1 Parcel East of 43823 D Street, Hemet, Riverside County, California, also identified as
9 Assessor's Parcel Number 549-161-009 violates RCO No. 457 and constitutes a public nuisance.

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

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

21 ORDER TO ABATE NUISANCE

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

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

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

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
18 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
19 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
20 collection and administrative costs, attorneys fees, and the costs associated with the removal or
21 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: April 8, 2014


COUNTY OF RIVERSIDE

By 
Jeff Stone
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

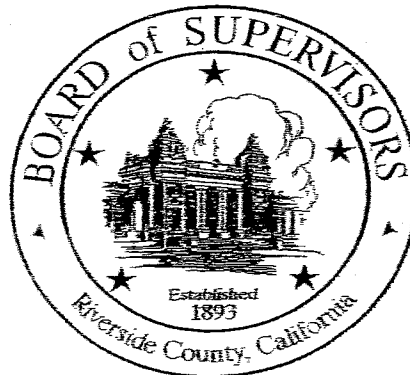
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcikrec.com>

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:

4-8-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

May 2, 2014

RE CASE NO: CV1204699

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
37600 Sky Canyon Drive, Suite G
Murrieta, California 92563
Mail Stop #5155.

That on 05/02/2014 at 11:01 a.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structure); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance and Certification at the property described as:

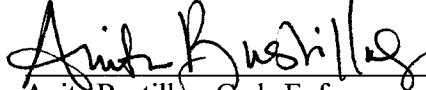
Property Address: 1 PAR. E 43823 D ST., HEMET

Assessor's Parcel Number: 549-161-009

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

PROOF OF SERVICE
Case No. CV12-04435 Torres

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on April 30, 2014, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(SEE ATTACHED NOTICE LIST)**

XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

 BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

 FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON April 30, 2014, at Riverside, California.


STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 1 Parcel East of 43823 D Street, Hemet; Case No.: CV12-04699
APN: 549-161-009; District 3/3

January 22, 2014

**LUDIM TORRES C/O CINDY BRATTEN
40535 WHITTIER AVE.
HEMET, CA 92544**

**THE ESTATE OF LUDIM TORRES
43823 D STREET
HEMET, CA 92544**

**LAKE HEMET MUNICIPAL WATER
DISTRICT
P.O. BOX 5039
HEMET, CA 9544**

**STATE OF CALIFORNIA FRANCHISE
TAX BOARD
P.O. BOX 2952
SACRAMENTO, CA 95812**