

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

1068



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV13-00930 [BOND AND THE ESTATE OF COLCLASURE]
Subject Property: 33099 Old Highway 74, Hemet; APN: 458-120-054
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

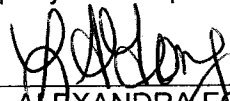
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00930;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00930; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00930.

BACKGROUND:

Summary

On March 11, 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 structure (dwelling and detached accessory structure) located on the subject property to be a public nuisance. The

(Continued)


L. ALEXANDRA FONG
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 <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

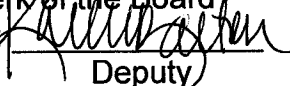
SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

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

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: April 22, 2014
xc: TLMA/Co.Co. Code Enforc., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

Prev. Agn. Ref.: 03/11/14; 9.2 | District: 3/3 | Agenda Number:

2-9

Departmental Concurrence

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

DOC # 2014-0150646
04/25/2014

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 13-00930
12 [SUBSTANDARD STRUCTURES];)
13 APN 458-120-054, 33099 OLD HIGHWAY 74,) FINDINGS OF FACT,
14 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 DORIS F. BOND AND THE ESTATE OF) ABATE NUISANCE
DONNA ANN COLCLASURE, OWNERS.)
[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on March 11, 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 33099 Old Highway 74, Hemet, Assessor's Parcel Number 458-120-054 and
20 referred to hereinafter as "THE PROPERTY."

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

23 Owners 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 owners
3 of THE PROPERTY as Doris F. Bond and The Estate of Donna Ann Colclasure (“OWNERS”).

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

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2013,
8 March 19, 2013, March 26, 2013, April 11, 2013, June 20, 2013, October 8, 2013, and March 4,
9 2014.

10 4. During each inspection, two substandard structures (dwelling and detached accessory
11 structure) was observed on THE PROPERTY. The structures were observed to be dilapidated and
12 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
13 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures;
14 hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor
15 supports; members of walls, partitions, or other vertical supports that split, lean, list or buckle due to
16 defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other
17 horizontal members which sag, split, or buckle due to defective material or deterioration; dampness
18 of habitable rooms; general dilapidation or improper maintenance; public and attractive nuisance –
19 abandoned/vacant.

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

22 6. A Notice of Pendency of Administrative Proceedings was recorded on May 13, 2013,
23 as Document Number 2013-0224587 in the Office of the County Recorder, County of Riverside.

24 7. On March 7, 2013, Notice of Violation, Notice of Defects and a “Danger Do Not
25 Enter” sign were posted on THE PROPERTY. On March 12, 2013 and November 5, 2013, a Notice
26 of Violation and Notice of Defects was mailed to OWNERS by first class mail. On May 8, 2013, a
27 Notice of Violation and Notice of Defects were mailed to INTERESTED PARTY by certified mail,
28 return receipt requested.

1 limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
2 Nuisance.

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

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

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
20 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
21 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
22 collection and administrative costs, attorneys fees, and the costs associated with the removal or
23 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: April 22, 2014

COUNTY OF RIVERSIDE

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6 By Jeff Stone
7 Jeff Stone
8 Chairman, Board of Supervisors

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9 ATTEST:

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10 KECIA HARPER-IHEM

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11 Clerk to the Board

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13 By Karunayya
14 Deputy

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15 (SEAL)

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16 FORM APPROVED COUNTY COUNSEL
17 BY: L. Alexandra Fong 3/21/14
18 L. ALEXANDRA FONG DATE

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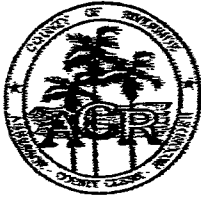
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**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

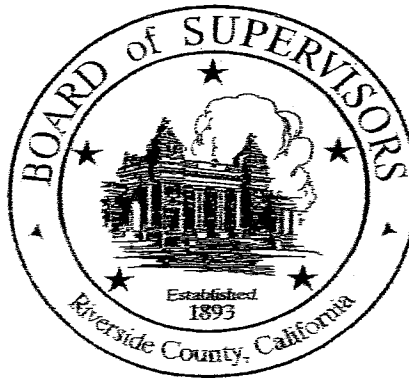
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcfrec.com>

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:

4-22-14

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 8, 2014

RE CASE NO: CV1300930

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 05/08/2014 at 11:24 a.m., I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structures); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification, Notice List and Proof of Service at the property described as:

Property Address: 33099 OLD HIGHWAY 74, HEMET

Assessor's Parcel Number: 458-120-054

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

Executed on May 8, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

Correct

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PROOF OF SERVICE

Case No. CV13-00930 Bond

Originals filed with the Clerk of the Board: Agenda No. 2.9 of 4/22/14 : on the Consent calendar.

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 May 6, 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 May 6, 2014, at Riverside, California.


STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 33099 Old Highway 74, Hemet; Case No.: CV13-00930
APN: 458-120-054; District 3/3-Bond

DORIS F. BOND
C/O ESTATE OF DONNA ANN COLCLASURE
33099 OLD HIGHWAY 74
HEMET, CA 92545

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
P.O. BOX 2952
SPECIAL PROCEDURES SECTION
SACRAMENTO, CA 95812-2952