

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

904B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV13-03306 [CARR]
Subject Property: 40245 Newport Road, Hemet: 469-091-012
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. CV13-03306;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03306; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03306.

BACKGROUND:

Summary

On June 3, 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) located on the subject property to be a public nuisance. The Board ordered the property owner

(Continued)

[Signature]

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 <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Ashley 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: July 15, 2014
xc: TLMA-Code Enforcement, Recorder

Kecia Harper-Ihem
Clerk of the Board

By: *[Signature]*
Deputy

Prev. Agn. Ref.: 06/03/14; 9.5 | District: 3/3 | Agenda Number:

2-17

Departmental Concurrence

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

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

FORM 11: Order to Abate [Substandard Structures]

Case No. CV13-03306 [CARR]

Subject Property: 40245 Newport Road, Hemet; APN: 469-091-012

District: 3/3 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

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

DOC # 2014-0268817
07/21/2014

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, Senior 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]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-03306
12 [SUBSTANDARD STRUCTURES];)
13 APN 469-091-012, 40245 NEWPORT ROAD,) FINDINGS OF FACT,
14 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 ROBERT M. CARR AND TAMARA) ABATE NUISANCE
BEVILACQUA CARR, OWNERS.)
[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on June 3, 2014, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 40245 Newport Road, Hemet, Assessor's Parcel Number 469-091-012 and referred to
20 hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
22 Code 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 Robert M. Carr and Tamara Bevilacqua Carr (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Tamara Bevilacqua Clark, Loan Link Financial Services, Cal-West
6 Reconveyance Corporation and MERS (hereinafter collectively referred to as “INTERESTED
7 PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 7, 2013,
9 September 24, 2013, October 3, 2013, October 23, 2013, December 10, 2013, March 11, 2014, and
10 June 2, 2014.

11 4. During each inspection, four substandard structures (dwelling, guest house, carport,
12 and shed) were observed on THE PROPERTY. The structures were observed to be dilapidated and
13 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
14 lavatory, bathtub, shower or kitchen sink; hazardous wiring; general dilapidation or improper
15 maintenance; public and attractive nuisance – abandoned/vacant.

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

18 6. Notices of Pendency of Administrative Proceedings were recorded on October 7,
19 2013, as Document Numbers 2013-0482260 and 2013-0482261 in the Office of the County
20 Recorder, County of Riverside.

21 7. On August 7, 2012, Notice of Violation, Notice of Defects and a “Danger Do Not
22 Enter” sign were posted on THE PROPERTY. On September 24, 2013, Notice of Violation and
23 Notice of Defects for the substandard structures were mailed to OWNERS and INTERESTED
24 PARTIES by certified mail with return receipt requested. On November 25, 2013, a Notice of
25 Violation and Notice of Defects were mailed to OWNERS and INTERESTED PARTIES by first
26 class mail.

27 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
28 providing notice of the public hearing before the Board of Supervisors on June 3, 2014, was mailed

1 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on June 3, 2014, finds and concludes that:

5 1. WHEREAS, the substandard structures (dwelling, guest house, carport, and shed) on
6 the real property located at 40245 Newport Road, Hemet, Riverside County, California, also
7 identified as Assessor's Parcel Number 469-091-012 violates RCO No. 457 and constitutes a public
8 nuisance.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the substandard structures (dwelling, guest house,
22 carport and shed) on THE PROPERTY be abated by the OWNERS or anyone having possession or
23 control of THE PROPERTY, by razing and removing the substandard structures including the
24 removal and disposal of all structural debris and materials, as well as the contents therein, or by
25 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation
26 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
27 limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
28 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 structure, 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 OWNERS are 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 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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Dated: July 15, 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

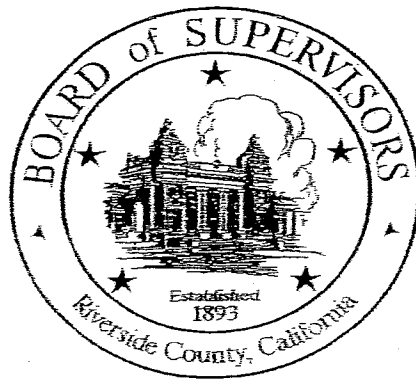
<http://riverside.astrofrec.com>

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:

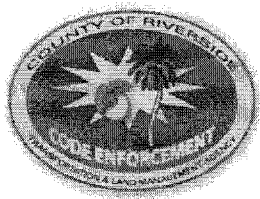
7-15-14

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

July 29, 2014

RE CASE NO: CV1303306

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 07/29/2014 at 10:49 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: 40245 NEWPORT RD, HEMET

Assessor's Parcel Number: 469-091-012

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

Executed on July 29, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in cursive script, appearing to read "Anita Bustillos", written over a horizontal line.

By: Anita Bustillos, Code Enforcement Technician

Carry

PROOF OF SERVICE

Case No. CV13-03306 Carr

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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 July 24, 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 July 24, 2014, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 40245 Newport Road, Hemet; Case No.: CV13-03306
APN: 469-091-012; District 3/3 CARR

**ROBERT M. CARR
TAMARA BEVILACQUA CARR
33 HIGH STREET
ALEX BAY, NY 13607**

**CAL-WESTERN RECONVEYANCE CORP.
P.O. BOX 22004
525 E. MAIN STREET
EL CAJON, CA 92022-9004**

**LOAN LINK FINANCIAL SERVICES
31 JOURNEY #200
ALSIO VIEJO, CA 92656**

**MERS
P.O. BOX 2026
FLINT, MI 48501-2023**

**BANK OF AMERICA
400 National Way,
Simi Valley, CA 93065
Mail Stop CA6-919-01-37**