

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

210B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV13-05153 [OTTESON, MEREDITH, DAVIS]
Subject Property: 1 Parcel West of 61555 Kolby Rd., Mission Creek; APN: 671-170-006
District: 5/5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-05153 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 No. CV13-05153; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-05153.

BACKGROUND:

Summary

On October 7, 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 accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(Continued)

GREGORY P. PRIAMOS
County Counsel

Departmental Concurrence

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 Jeffries 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: November 24, 2014
xc: Co.Co., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:

Deputy

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

Prev. Agn. Ref.: 10/07/14; 9.4

District: 5/5

Agenda Number:

2-12

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

FORM 11: Order to Abate [Substandard Structure & Accumulated Rubbish]

Case No. : CV13-05153 [OTTESON, MEREDITH, DAVIS]

Subject Property: 1 Parcel West of 61555 Kolby Road, Mission Creek; APN: 671-170-006

District: 5/5 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

the property owners 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

11/26/2014

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

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]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-05153
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 671-170-006, 1 PARCEL WEST OF 61555) CONCLUSIONS AND ORDER TO
KOLBY ROAD, MISSION CREEK, RIVERSIDE) ABATE NUISANCE
15 COUNTY, CALIFORNIA; RITA I. OTTESON,)
GERALD ALLEN MEREDITH, SANDRA) R.C.O. Nos. 457, 541 and 725
MEREDITH, REX C. DAVIS, OWNERS.)

16
17 The above-captioned matter came on regularly for hearing on October 7, 2014, 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 as 1 Parcel West of 61555 Kolby Road, Mission Creek, Riverside, Assessor's
21 Parcel Number 671-170-006 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners 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 and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
28 nuisance.

COPY

SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Rita I. Otteson, Gerald Allen Meredith, Sandra Meredith, Rex C. Davis ("OWNERS").

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Louis K. Davis and Bartrice E. Davis, Rita I. Otteson, Trustee of the Rita I. Otteson Trust dated October 21, 1993, Hazel Mae Wiger, Trustee of the Hazel Mae Wiger Trust dated October 21, 1993 (hereinafter collectively referred to as "INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on January 9, 2014, March 6, 2014, June 19, 2014, and on or about October 2, 2014.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: scrap wood, furniture, clothing, discarded air conditioner parts, rusted nails and other miscellaneous items in excess of 100 square feet.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 457 and 541 by the Code Enforcement Officer.

7. A Notice of Pendency of Administrative Proceedings was recorded on January 27, 2014, as Document Number 2014-0031140 in the Office of the County Recorder, County of Riverside.

8. On January 9, 2014, a Notice of Violation and a Notice of Defects, were posted on THE PROPERTY. On January 22, 2014 and April 29, 2014, a Notice of Violation and Notices of Defects was mailed to OWNERS and INTERESTED PARTIES by certified mail with return receipt

1 requested.

2 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
3 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and
4 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on October 7, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
9 real property located at 1 Parcel West of 61555 Kolby Road, Mission Creek, Riverside County,
10 California, also identified as Assessor's Parcel Number 671-170-006 violates Riverside County
11 Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

19 3. WHEREAS, the OWNERS, occupants and any other person having possession or
20 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
21 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
22 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

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ORDER TO ABATE NUISANCE

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

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
28 days of the date of this Order to Abate Nuisance.

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
11 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
12 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
13 collection and administrative costs, attorneys fees, and the costs associated with the removal or
14 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: November 24, 2014

COUNTY OF RIVERSIDE

5

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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12 By Karen Bayten

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13 Deputy

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14 (SEAL)

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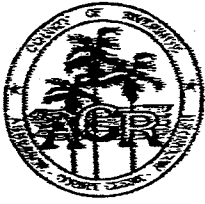
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LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

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

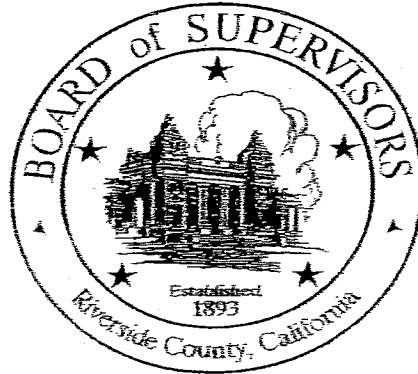
<http://riverside.asrc.lrec.com>

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:

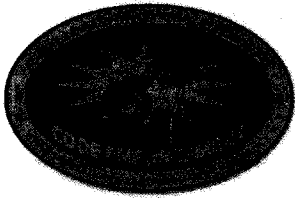
11-24-14

Signature:

Karen Barton

Print Name:

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



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

Greg Flannery
Code
Enforcement
Official

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV13-05153

I, David Jurden, hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
581 S. Grand Avenue
San Jacinto, CA 92582

2. That on **December 12, 2014 at 1214 PM**, I securely and conspicuously posted the **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE AND NOTICE LIST** at the property described as:

Property Address: 1 parcel W/O 61555 Kolby Road, Mission Creek

Assessor's Parcel Number: 671-170-006

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

Executed on **December 15, 2014** at San Jacinto, California.

CODE ENFORCEMENT DEPARTMENT

By: 

David Jurden, Code Enforcement Technician

PROOF OF SERVICE

Case No. CV13-05153

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Sue Jimenez, 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 December 10, 2014 I served the following document(s):

- **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**
- **NOTICE LIST**

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

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

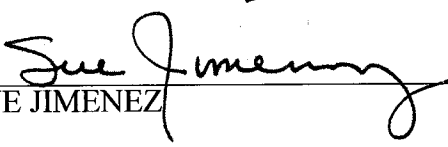
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 December 10, 2014, at Riverside, California.


SUE JIMENEZ

NOTICE LIST

Subject Property: 1 Parcel West of 61555 Kolby Rd., Mission Creek;

Case No.: CV13-05153

APN: 671-170-006; District 5/5

RITA I. OTTESON
GERALD ALLEN MEREDITH
SANDRA MEREDITH
REX C. DAVIS
1005 N. MONTEREY STREET
ANAHEIM, CA 92801

RITA I. OTTESON, TRUSTEE
1005 NORTH MONTEREY STREET
ANAHEIM, CA 92801

HAZEL MAE TRUSTEE
1005 NORTH MONTEREY STREET
ANAHEIM, CA 92801

LOUIS K. DAVIS
BATRICE E. DAVIS
1005 N. LA JOLLA RD.
ANAHEIM, CA 92806