

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

115B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 19, 2015

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV11-05952 [MENDOZA]
Subject Property: 24125 Minton Road, Homeland; APN: 455-020-054
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952.

BACKGROUND:

Summary

On April 28, 2015, 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 and accessory structure) located on the subject property to be a public nuisance. The Board

(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, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: June 2, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

- 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. CV11-05952 [MENDOZA]

Subject Property: 24125 Minton Road, Homeland; APN: 455-020-054

District: 5 [\$0.00]

DATE: May 19, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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.

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

2015-0234536

06/04/2015 11:08 AM

*****Customer Copy Label*****

The paper to which this label is affixed has not been compared with the filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 11-05952
12 [SUBSTANDARD STRUCTURES];)
APN 455-020-054, 24125 MINTON ROAD,) FINDINGS OF FACT,
13 HOMELAND, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; SAUL MENDOZA, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on April 28, 2015, 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 24125 Minton Road, Homeland, Riverside County, Assessor's Parcel Number
20 455-020-054 and referred to hereinafter as "THE PROPERTY."

21 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior 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

1 SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: State of California Franchise Tax Board (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 12, 2013, and
7 on 7 subsequent inspections, the last being April 22, 2015.

8 4. During each inspection, substandard structures (dwelling and accessory structure)
9 were observed on THE PROPERTY. The structures were observed to be dilapidated and contained
10 numerous deficiencies, including but not limited to: lack of connection to required sewer system;
11 hazardous plumbing; lack of required lighting; hazardous wiring; lack of adequate heating facilities;
12 defective or deteriorated flooring or floor supports; members of walls, partitions, or other vertical
13 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
14 roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to
15 defective material or deterioration; dampness of habitable rooms; faulty weather protection; public
16 and attractive nuisance – abandoned/vacant; unpermitted construction.

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 January 7,
20 2015, as Document Number 2015-0006158 in the Office of the County Recorder, County of
21 Riverside.

22 7. On July 12, 2013, a Notice of Violation, Notice of Defects and a “Danger Do Not
23 Enter” sign were posted on THE PROPERTY. On June 10, 2014, Notice of Violation and Notice of
24 Defects for the substandard structures was mailed to OWNER and INTERESTED PARTY by
25 certified mail, return receipt requested and by first class mail.

26 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
27 providing notice of the public hearing before the Board of Supervisors on April 28, 2015, was mailed
28 to OWNER and INTERESTED PARTY and was posted on THE PROPERTY.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 28, 2015, finds and concludes that:

1. WHEREAS, the substandard structures (dwelling and accessory structure) on the real property located at 24125 Minton Road, Homeland, Riverside County, California, also identified as Assessor's Parcel Number 455-020-054 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 structures by razing, removing and disposing of the substandard structures, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structures 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 AND INTERESTED PARTY ARE 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 California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (dwelling and accessory structure) on THE PROPERTY be abated by the OWNER, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures 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 structures are 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 structures, contents therein, and structural

1 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural
2 debris and materials, may be abated by representatives of the Riverside County Code Enforcement
3 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
4 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
15 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
16 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
17 collection and administrative costs, attorneys fees, and the costs associated with the removal or
18 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: June 2, 2015

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Barton
Deputy
(SEAL)



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

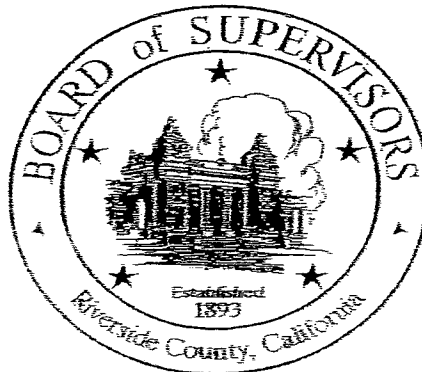
www.riversideacr.com

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:

6-2-15

Signature:

Karen Barton

Print Name:

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