

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

950A



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

November 20, 2015

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV14-00945 [SANJON INC]
Subject Property: 40511 Melrose Avenue, Hemet; APN: 445-313-032
District: 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00945;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00945; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00945.

BACKGROUND:

Summary

On October 27, 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 structure (dwelling) located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

GREGORY P. PRIAMOS
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

County Executive Office Signature

BY:

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, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.: 10/27/15; 9.1

District: 3

Agenda Number:

2-7

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

Departmental Concurrence

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

FORM 11: Order to Abate [Substandard Structure]

Case No. CV14-00945 [SANJON INC]

Subject Property: 40511 Melrose Avenue, Hemet; APN: 445-313-032

District: 3 [\$0]

DATE: November 20, 2015

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

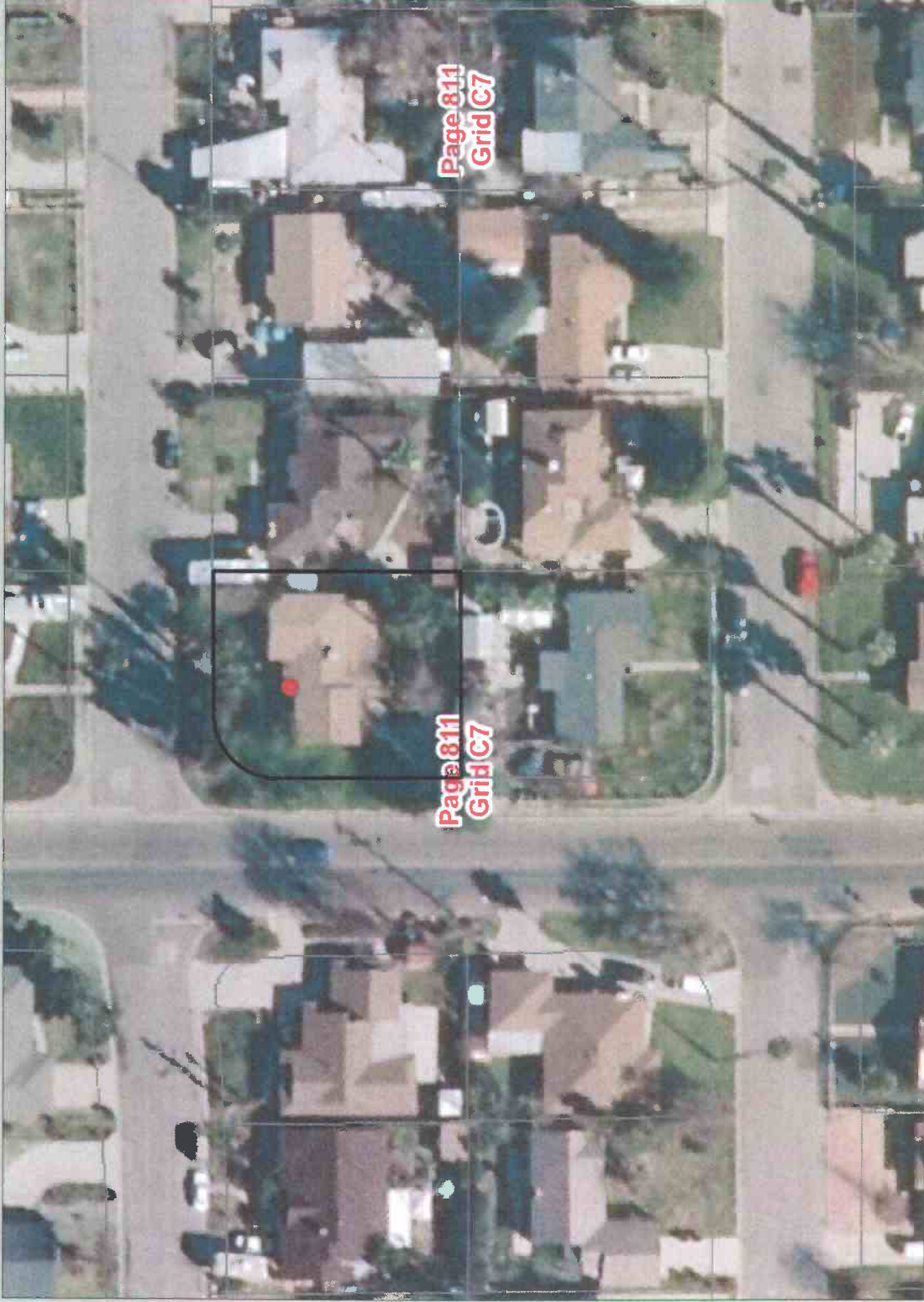
N/A

ATTACHMENTS

Findings of Fact

CV14-00945

40511 Melrose Avenue, Hemet APN: 445-313-032



Legend

- RCLIS Parcels
- TBM Page
- TBM Grid



0 77 154 Feet



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 6/23/2015 9:52:19 AM

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Notes

Thomas Bros Page 811
Grid C7

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)
5

2015-0536909

12/10/2015 03:07 PM

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

6 WHEN RECORDED PLEASE MAIL TO:
7 Michelle Cervantes, Senior Code Enforcement Officer
8 Regina Keyes, Senior Code Enforcement Officer
9 CODE ENFORCEMENT DEPARTMENT
10 4080 Lemon Street, Twelfth Floor (Stop #1012)
11 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-00945
12 [SUBSTANDARD STRUCTURE];)
13 APN 445-313-032, 40511 MELROSE AVENUE,) FINDINGS OF FACT,
14 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 SANJON INC., OWNER.) ABATE NUISANCE
[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on October 27, 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 40511 Melrose Avenue, Hemet, Riverside County, California and more
20 particularly described as Assessor's Parcel Number 445-313-032 and referred to hereinafter as "THE
21 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 Owner 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 on THE PROPERTY as violation of
27 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 Sanjon Inc. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Hemet Federal Savings and Loan Association, a Corporation ("INTERESTED
6 PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 5, 2014
8 and on nine (9) subsequent follow up inspections, with the last being October 21, 2015.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE
10 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,
11 including but not limited to: hazardous wiring; dampness of habitable rooms; faulty weather
12 protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance-
13 abandoned/vacant.

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

16 6. A Notice of Pendency of Administrative Proceedings was recorded on June 18, 2014,
17 as Document Number 2014-0223990 in the Office of the County Recorder, County of Riverside.

18 7. On March 5, 2014, a Notice of Violation, Notice of Defects and a "Danger Do Not
19 Enter" sign were posted on THE PROPERTY. On March 6, 2014, a Notice of Violation and Notice
20 of Defects were mailed to OWNER by first class mail. On April 16, 2014, a Notice of Violation and
21 Notice of Defects were mailed to OWNER and INTERESTED PARTY by first class mail. On
22 January 28, 2015, a Notice of Violation and Notice of Defects were mailed to Jeanette Sanborn,
23 agent for service of process for OWNER by first class mail.

24 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
25 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
26 INTERESTED PARTY and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on October 27, 2015, finds and concludes that:

2 1. WHEREAS, the substandard structure (dwelling) on the real property located at
3 40511 Melrose Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel
4 Number 445-313-032 violates RCO No. 457 and constitutes a public nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
17 PROPERTY be abated by the OWNER or anyone having possession or control of THE PROPERTY,
18 by razing and removing the substandard structure including the removal and disposal of all structural
19 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
20 structure provided such reconstruction and rehabilitation can be accomplished in strict accordance
21 with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90)
22 days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
24 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
25 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
26 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural
27 debris and materials, may be abated by representatives of the Riverside County Code Enforcement
28 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court

1 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
12 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
13 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
14 collection and administrative costs, attorneys fees, and the costs associated with the removal or
15 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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4 Dated: December 8, 2015

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

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8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Karen Dayton
13 Deputy
14 (SEAL)
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**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

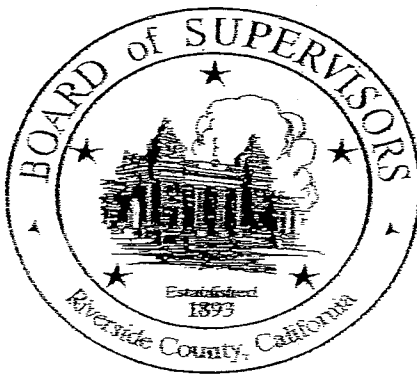
www.riversideacr.com

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:

12-8-15

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

January 19, 2016

RE CASE NO: CV1400945

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 01/19/2016 at 2:55 p.m., I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, In RE: Abatement of Public Nuisance: [Substandard Structure]; Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification and Notice List at the property described as:

Property Address: 40511 MELROSE AVE, HEMET

Assessor's Parcel Number: 445-313-032

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

Executed on January 19, 2016 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician

PROOF OF SERVICE
Case No. CV14-00945 San Jon

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 January 4, 2016, 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 January 4, 2016, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 40511 Melrose Avenue, Hemet;

Case No.: CV14-00945

APN: 445-313-032; District: 3

SANJON INC
555 S. SUNRISE WAY STE 200
PALM SPRINGS, CA 92264

HEMET FEDERAL SAVINGS
AND LOAN ASSOCIATION
3600 TYLER STREET
RIVERSIDE, CA 92503

JEANETTE SANBORN
AGENT SANJON INC
555 S. SUNRISE WAY, STE 200
PALM SPRINGS, CA 92264