

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

948
A



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 20, 2015

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV14-04599 [KRUSE]
Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011
District: 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04599.

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 structures (dwelling and block wall) located on the subject property to be a public nuisance. The Board ordered the (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

BY:
Tim Granger

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, 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; 9.5

District: 5

Agenda Number:

2-13

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 Structures]

Case No. CV14-04599 [KRUSE]

Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011

District: 5 [\$0]

DATE: November 20, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

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

2015-0536915

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

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 14-04599
12 [SUBSTANDARD STRUCTURES];)
13 APN 517-101-011, 55200 HATTON PLACE,) FINDINGS OF FACT,
14 WHITEWATER, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; YVONNE S. KRUSE, 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 55200 Hatton Place, Whitewater, Riverside County, California and more
20 particularly described as Assessor's Parcel Number 517-101-011 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 structures on THE PROPERTY as violation of
27 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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COPY

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Yvonne S. Kruse ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Mission Springs Water District and Douglas J. Kruse ("INTERESTED
6 PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 8, 2014
8 and on five (5) subsequent follow up inspections, with the last being October 23, 2015.

9 4. During each inspection, two (2) substandard structures (dwelling and block wall) were
10 observed on THE PROPERTY. The structures were observed to be dilapidated and contained
11 numerous deficiencies, including but not limited to: deteriorated or inadequate foundation; members
12 of walls, partitions, or other vertical supports that split, lean or buckle due to defective material or
13 deterioration; lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot
14 and cold running water to plumbing fixtures; hazardous plumbing; hazardous wiring; dampness of
15 habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public and
16 attractive nuisance – abandoned/vacant.

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 February 24,
20 2015, as Document Number 2015-0071349 in the Office of the County Recorder, County of
21 Riverside.

22 7. On December 8, 2014, a Notice of Violation, Notice of Defects and "Danger Do Not
23 Enter" signs were posted on THE PROPERTY. On January 6, 2015, Notice of Violation and Notice
24 of Defects were mailed to OWNER and INTERESTED PARTIES by first class mail and certified
25 mail, return receipt requested.

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 was mailed to OWNER and
28 INTERESTED PARTIES and was posted on THE PROPERTY.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on October 27, 2015, finds and concludes that:

4 1. WHEREAS, the substandard structures (dwelling and block wall) on the real property
5 located at 55200 Hatton Place, Whitewater, Riverside County, California, also identified as
6 Assessor's Parcel Number 517-101-011 violates RCO No. 457 and constitutes a public nuisance.

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

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the substandard structures (dwelling and block wall) on
20 THE PROPERTY be abated by the OWNER or anyone having possession or control of THE
21 PROPERTY, by razing and removing the substandard structures including the removal and disposal
22 of all structural debris and materials, as well as the contents therein, or by reconstruction and
23 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished
24 in strict accordance with all Riverside County Ordinances, including but not limited to RCO No.
25 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

26 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
27 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
28 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and

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.

3
4 Dated: December 8, 2015

COUNTY OF RIVERSIDE

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

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Kaleubzitan
13 Deputy
14 (SEAL)



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

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

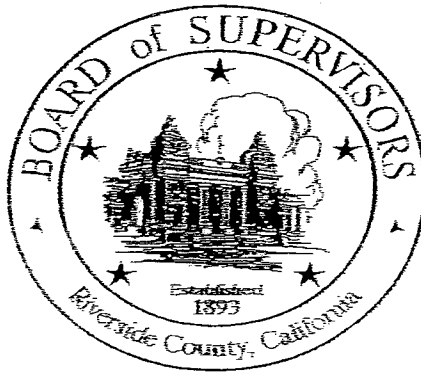
www.riversideacr.com

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:

12-8-15

Signature:

Karen Barton

Print Name:

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

CV14-04599

55200 Hatton Place, Whitewater APN: 517-101-011



Legend

- TBM Page
- TBM Grid
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers



0 228

456 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... 11/24/2015 8:01:47 AM

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Notes

Thomas Bros Page 724
Grid D1



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

January 13, 2016

RE CASE NO: CV1404599

I, Jamison Cole, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
581 South Grand Avenue
San Jacinto, California, 92582
Mail Stop #5002.

That on 1/11/16 at 2:05 p.m., I securely and conspicuously posted the Findings of Fact at the property described as:

Property Address: 55200 HATTON PL, WHITEWATER

Assessor's Parcel Number: 517-101-011

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

Executed on January 13, 2016 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Jamison Cole, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV14-04599 Kruse

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: 55200 Hatton Place, Whitewater;

Case No.: CV14-04599

APN: 517-101-011; District: 5

**YVONNE S. KRUSE
350 S. WILLOW AVENUE, NO 29
RIALTO, CA 92376**

**DOUGLAS KRUSE
P.O. BOX 2006
RIALTO, CA 92377**

**MISSION SPRINGS WATER DISTRICT
66575 SECOND STREET
DESERT HOT SPRINGS, CA 92240**