

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

706B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case Nos. : CV10-05287 [DIXON/McGOWAN]
Subject Property: 52174 Esperanza Avenue, Cabazon; APN: 528-121-030
District: Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-05287 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. CV 10-05287; 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. CV 10-05287.

(Continued)

L. Alex Fong

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

| | | | | |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ N/A | In Current Year Budget: | N/A |
| | Current F.Y. Net County Cost: | \$ N/A | Budget Adjustment: | N/A |
| | Annual Net County Cost: | \$ N/A | For Fiscal Year: | N/A |

| | | |
|-------------------------|----------------------------------|--------------------------|
| SOURCE OF FUNDS: | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Tina Grande
BY _____
Tina Grande

- | | |
|--|--|
| <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Policy | <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Policy |
|--|--|

Dept's Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-05287 [DIXON/McGOWAN]
52174 Esperanza Avenue, Cabazon
District Five
Page 2

BACKGROUND:

On February 8, 2011, 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 (wooden structure), excess outside storage and accumulation of rubbish located on the *subject property* to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

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 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-05287
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATED RUBBISH AND EXCESS)
13 OUTSIDE STORAGE]; APN 528-121-030, 52174) FINDINGS OF FACT,
ESPERANZA AVENUE, CABAZON, COUNTY) CONCLUSIONS AND ORDER TO
14 OF RIVERSIDE, STATE OF CALIFORNIA;) ABATE NUISANCE
SHAWNA D. DIXON AND TERI L. McGOWAN,)
15 OWNERS.) [R.C.O. Nos. 348 (RCC Title 17), 457
(RCC Title 15), 541 (RCC Title 8) and
725 (RCC Title 1)]
16

17 The above-captioned matter came on regularly for hearing on February 8, 2011, 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 52174 Esperanza Avenue, Cabazon, Assessor's Parcel Number 528-121-030 and
21 referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear and did not address the Board.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348 (Riverside County Code Chapter 17.156), 457 (Riverside County Code Chapter 15.16) and 541

1 (Riverside County Code Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Shawna D. Dixon and Teri L. McGowan ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Lyle George Graham and Jeannette Evelyn Graham; and Cabazon Water District
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 17, 2010,
9 November 4, 2010, January 21, 2011 and February 7, 2011.

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

17 5. During each inspection an accumulation of rubbish and excess outside storage was also
18 observed throughout THE PROPERTY consisting of but not limited to: household trash, wood,
19 debris, clothing, tires, green waste, furniture and other miscellaneous items.

20 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.156), 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) by the
22 Code Enforcement Officer.

23 7. On August 13, 2010, a Notice of Noncompliance for the substandard structure and
24 accumulated rubbish and excess outside storage were recorded at the Riverside County Recorder's
25 Office as instrument number 2010-0381677.

26 8. On July 17, 2010, Notices of Violation, Notice of Defects and "Danger- Do Not
27 Enter" sign were posted on THE PROPERTY. On July 29, 2010, Notices of Violation and Notice of
28 Defect were mailed by certified mail, return receipt requested to OWNERS and INTERESTED

1 PARTIES.

2 9. On January 19, 2011, a "Notice to Correct County Ordinance Violations and Abate
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on February
4 8, 2011, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
5 PARTIES and was posted on THE PROPERTY on January 21, 2011.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on February 8, 2011, finds and concludes that:

9 1. WHEREAS, the substandard structure (wooden structure), excessive outside storage
10 of materials and accumulation of rubbish on the real property located at 52174 Esperanza Avenue,
11 Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-121-030
12 violates Riverside County Ordinance Nos. 348, (RCC Chapter 17.156), 457 (RCC Chapter 15.16)
13 and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

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

20 3. WHEREAS, the OWNERS, occupants and any other person having possession or
21 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
22 materials by removing and disposing of all rubbish and excessive outside storage on THE
23 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
24 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

1 **ORDER TO ABATE NUISANCE**

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

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

18 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
19 asbestos containing materials in said structure 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 and excessive outside storage
25 of materials on THE PROPERTY be abated by OWNERS or anyone having possession or control of
26 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials
27 on THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
28 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter

1 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
3 storage of materials is not removed and disposed of in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.156)
5 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance,
6 the accumulation of rubbish and excessive outside storage of materials may be abated and disposed of
7 by representatives of the Riverside County Code Enforcement Department, a contractor or the
8 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
9 applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 348 (RCC Chapter 17.156), 457 (RCC Chapter 15.16), 541 (RCC Chapter
14 8.120), and 725 (RCC Chapter 1.16). 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

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1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from OWNER even if THE PROPERTY is brought into compliance
3 within ninety (90) days of the date of this Order to Abate Nuisance.

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5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

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20 L:\Code Enforcement\Abatements\2010\2010\CV10-05287\348, 457, 541 FOF.DOC

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 3/3/11
DATE