

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

805B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
November 3, 2011

**SUBJECT:** Order to Abate [Substandard Mobilehome/Structure; Land Use Violation]  
Case No: CV 10-08353 [Property Owner: WILLIAMS]  
Subject Property: 15118 Elm Street, Cabazon, APN: 528-121-001  
District: Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08353 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 10-08353; 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 10-08353.

Departmental Concurrence

(Continued)

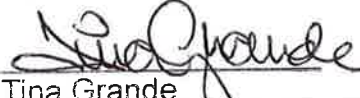
  
PATTI F. SMITH, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

ADDITIONAL COMMENTS FILED WITH THE CLERK OF THE BOARD

Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No.: CV10-08353 [WILLIAMS]  
15118 Elm Street, Cabazon  
APN#528-121-001  
District 5  
Page 2

**BACKGROUND:**

On September 27, 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 mobilehome/structure and land use violation located on the subject property to be public nuisances. The Board 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.

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 Patti F. Smith, Deputy County Counsel  
County of Riverside  
7 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Suite 500 (Stop #1350)  
8 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 10-08353  
12 )  
13 15118 ELM STREET, CABAZON, RIVERSIDE ) FINDINGS OF FACT,  
COUNTY, CALIFORNIA; APN 528-121-001 ) CONCLUSIONS AND ORDER TO  
14 ) ABATE NUISANCE  
JIMMIE T. WILLIAMS AND NICKIE R. )  
15 WILLIAMS, ) [R.C.O. Nos. 348, 457 and 725]  
16 OWNERS. )  
17 )

18 The above-captioned matter came on regularly for hearing on September 27, 2011, before the  
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
21 property described as 15118 Elm Street, Cabazon, Assessor's Parcel Number 528-121-001 and  
22 referred to hereinafter as "THE PROPERTY."

23 Patti F. Smith, Deputy County Counsel, appeared along with Jason Heagstedt, Code  
24 Enforcement Officer and Glenn Baude, Director of the Code Enforcement Department.

25 Members of the public, including the property OWNERS, also addressed the Board of  
26 Supervisors.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
28 with attached Exhibits, evidencing the substandard mobilehome/structure and land use violation on

1 THE PROPERTY as violation of Riverside County Ordinance Nos. 348, 457 and as a public  
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners  
5 of THE PROPERTY as Jimmie T. Williams and Nickie R. Williams ("OWNERS").

6 2. THE PROPERTY is occupied by parishioners from Set Free Christian Fellowship –  
7 Yucaipa (hereinafter referred to as "SET FREE").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on January 13, 2011,  
9 February 23, 2011, May 24, 2011 and July 20, 2011.

10 4. During the July 20, 2011 inspection, the officer observed substandard  
11 mobilehome/structure and seven (7) men residing in an illegal halfway house, group home or  
12 addiction recovery center on THE PROPERTY. The structure was observed to be dilapidated and  
13 contained the following deficiency, including but not limited to: illegal/substandard addition to  
14 mobilehome.

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinances  
16 Nos. 348 and 457 by the Code Enforcement Officer.

17 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,  
18 as Document Number 2011-0263130 in the Office of the County Recorder, County of Riverside.

19 7. On July 20, 2011, Notice of Violation, Notice of Defects and a "Danger Do Not  
20 Enter" sign was posted on THE PROPERTY. On July 26, 2011, Notices of Violation and Notice of  
21 Defects was mailed to OWNERS and SET FREE.

22 8. On September 6, 2011, a "Notice to Correct County Ordinance Violations and Abate  
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on  
24 September 27, 2011, was mailed to OWNERS and SET FREE and was posted on THE PROPERTY  
25 on September 8, 2011.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on September 27, 2011, finds and concludes that:

1           1.       WHEREAS, the substandard mobilehome/structure and land use violation on the real  
2 property located at 15118 Elm Street, Cabazon, Riverside County, California, also identified as  
3 Assessor's Parcel Number 528-121-001 violates Riverside County Ordinance Nos. 348 and 457 and  
4 constitutes a public nuisance.

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

12           3.       WHEREAS, the OWNERS, occupants and any person having possession or control of  
13 THE PROPERTY shall cease the use of THE PROPERTY as a halfway house, group home or  
14 addiction recovery center without express land use approval.

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

19   **ORDER TO ABATE NUISANCE**

20           IT IS THEREFORE ORDERED:

21           1.       That all above referenced violations on THE PROPERTY be abated by the  
22 OWNERS, Jimmie T. Williams and Nickie R. Williams , or anyone having possession or control of  
23 THE PROPERTY, by razing and removing the substandard structure including the removal and  
24 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction  
25 and rehabilitation of said structure provided such reconstruction and rehabilitation can be  
26 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to  
27 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order  
28 to Abate Nuisance.

1           2.       That if the substandard structure is not razed, removed and disposed of, or  
2 reconstructed and rehabilitated in strict accordance with all Riverside County Ordinances, including  
3 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and  
4 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural  
5 debris and materials, may be abated by representatives of the Riverside County Code Enforcement  
6 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court  
7 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

14           4.       That OWNER shall cease the use of THE PROPERTY as a halfway house, group  
15 home or addiction recovery center without express land use approval.

16           5.       That reasonable abatement costs, after notice and opportunity for hearing, shall be  
17 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE  
18 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos.  
19 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs  
20 or expenses reasonably related to the abatement of conditions which violate County Land Use  
21 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
22 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
23 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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recoverable from the OWNERS even if THE PROPERTY is brought into compliance within  
ninety (90) days of the date of this Order to Abate Nuisance.

Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)