

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

808B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 3, 2011

SUBJECT: Order to Abate [Substandard Mobilehome/Structure; Land Use Violations]
Case No: CV 10-08358 [Property Owner: POWERS]
Subject Property: 51834 Maxine Avenue, Cabazon, APN: 528-032-031
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08358 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 10-08358; 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 10-08358.

Departmental Concurrence

[Handwritten Signature]
PATTI F. SMITH, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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

BY: *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Policy
 Policy
 Consent
 Consent
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-08358 [POWERS]
51834 Maxine Avenue, Cabazon
APN#528-032-031
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, land use violation and illegal residence housing 2 or more parolee/probationers 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)
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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 10-08358
12)
13 51834 MAXINE AVE., CABAZON, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; APN 528-032-031) CONCLUSIONS AND ORDER TO
14) ABATE NUISANCE
15 DAVID N. POWERS AND LOIS M. POWERS,) [R.C.O. Nos. 348, 449, 457 and 725]
TRUSTEES OF THE DAVID AND LOIS)
16 POWERS FAMILY TRUST DATED 4/4/95,)
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 51834 Maxine Avenue, Cabazon, Assessor's Parcel Number 528-032-031 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, land use violation and

1 illegal residence housing 2 or more parolee/probationers on THE PROPERTY as violation of
2 Riverside County Ordinance Nos. 348, 449, 457 and as a public 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 David N. Powers and Lois M. Powers, Trustees of the David and Lois
6 Powers Family Trust Dated 4/4/95 ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to-wit: Ralph and Esther Lopez, David Stein and Mary Louise McGee, Safeco Title
9 Insurance Company, Orange Coast Title Company, Cabazon County Water District, Alexander,
10 Berkey, Williams & Weathers, LLP, Coast Law Group, LLP, McElroy, Meyer, Walker and Condon,
11 PC (hereinafter collectively referred to as "INTERESTED PARTIES"). THE PROPERTY is
12 occupied by parishioners from Set Free Christian Fellowship – Yucaipa (hereinafter referred to as
13 "SET FREE").

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

16 4. During the July 20, 2011 inspection, the officer observed substandard
17 mobilehome/structures, thirteen (13) women residing in an illegal halfway house, group home or
18 addiction recovery center, and two or more unrelated parolees/probationers residing in the same
19 residence on THE PROPERTY. The structures were observed to be dilapidated and contained
20 numerous deficiencies, including but not limited to: lack of adequate lighting; hazardous wiring;
21 defective or deteriorated flooring or floor supports; members of walls, partitions, or other vertical
22 supports that split, lean, list, or buckle due to defective material or deterioration; dampness of
23 habitable rooms; general dilapidation or improper maintenance; improper use of a mobilehome; and
24 substandard/illegal additions to mobilehome.

25 5. THE PROPERTY was determined to be in violation of Riverside County Ordinances
26 Nos. 348, 449 and 457 by the Code Enforcement Officer.

27 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,
28 as Document Number 2011-0263132 in the Office of the County Recorder, County of Riverside.

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

5 **ORDER TO ABATE NUISANCE**

6 IT IS THEREFORE ORDERED:

7 1. That all above referenced violations on THE PROPERTY be abated by the
8 OWNERS, David N. Powers and Lois M. Powers, Trustees of the David and Lois Powers Family
9 Trust Dated 4/4/95, or anyone having possession or control of THE PROPERTY, by razing and
10 removing the substandard structures including the removal and disposal of all structural debris and
11 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
12 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
13 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
14 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

22 3. The OWNERS are ordered to ascertain the existence or non-existence of asbestos
23 containing materials in said structures by survey and materials sample testing by a duly licensed and
24 certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure the removal
25 of all asbestos containing materials discovered through such survey and testing by contract with a
26 duly certified and licensed contractor for the handling of such materials to avoid citations and/or
27 fines by South Coast Air Quality Management District (SCAQMD).

28 4. That OWNERS shall cease the use of THE PROPERTY as a halfway house, group

1 home or addiction recovery center without express land use approval.

2 5. That THE PROPERTY shall not be occupied by more than one (1)
3 parolee/probationer as per County Ordinance No. 449.

4 6. That reasonable abatement costs, after notice and opportunity for hearing, shall be
5 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
6 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos.
7 457, 541, and 725. Under Riverside County Ordinance No. 725, “abatement costs” means “any costs
8 or expenses reasonably related to the abatement of conditions which violate County Land Use
9 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
10 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
11 violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)