

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

6138



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 19, 2012


SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 07-1874 [DUNN]
Subject Property: 10956 Cherry Avenue, Beaumont; APN: 402-250-009
District: 5/5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1874 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 07-1874; 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 07-1874.

Departmental Concurrence

(Continued)

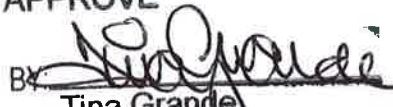


PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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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: 
Tina Grande

County Executive Office Signature

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

Dep't Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV07-1874 [DUNN]
10956 Cherry Avenue, Beaumont
APN#402-250-009
District 5/5
Page 2

BACKGROUND:

On June 12, 2012, 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 with attached breezeway and garage) 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 Findings of Fact, Conclusions and Order to Abate.

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-1874
14 [SUBSTANDARD STRUCTURES]; APN 402-)
15 250-009, 10956 CHERRY AVENUE,)
16 BEAUMONT, RIVERSIDE COUNTY,) FINDINGS OF FACT,
17 CALIFORNIA; DIANE M. DUNN, OWNER.) CONCLUSIONS AND ORDER TO
18) ABATE NUISANCE
19) [R.C.O. Nos. 457 and 725
20)

21 The above-captioned matter came on regularly for hearing on June 12, 2012, before the Board
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
24 described as 10956 Cherry Avenue, Beaumont, Assessor's Parcel Number 402-250-009 and referred
25 to hereinafter as "THE PROPERTY."

26 L. Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Supervising
27 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

28 Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of
Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as Diane M. Dunn (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: First Franklin Financial Corporation, EMC Mortgage Corporation and Cal-
6 Western Reconveyance Corporation. Additionally, Mr. Terry Dunn, tenant, resides in a trailer on
7 THE PROPERTY (hereinafter collectively referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 25, 2010,
9 November 18, 2010, January 12, 2011, February 28, 2011, June 29, 2011, October 12, 2011,
10 November 15, 2011, April 19, 2012, May 25, 2012 and June 11, 2012.

11 4. During each inspection, substandard structures (dwelling with attached breezeway and
12 garage) were observed on THE PROPERTY. The structures were observed to be dilapidated. The
13 structures contained numerous deficiencies, including but not limited to: hazardous wiring;
14 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or
15 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
16 protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance.

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 Noncompliance was recorded on February 27, 2008, as Document
20 Number 2008-0094094 in the Office of the County Recorder, County of Riverside.

21 7. On May 25, 2010, Notice of Violation, Notice of Defects and a “Danger Do Not
22 Enter” signs were posted on THE PROPERTY. On June 1, 2010, December 17, 2010 and March 9,
23 2012, Notice of Violation for the substandard structures was mailed to OWNER and INTERESTED
24 PARTIES by certified mail, return receipt requested.

25 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
26 providing notice of the public hearing before the Board of Supervisors on June 12, 2012, was mailed
27 to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on June 12, 2012, finds and concludes that:

4 1. WHEREAS, the substandard structures (dwelling with attached breezeway and
5 garage) on the real property located at 10956 Cherry Avenue, Beaumont, Riverside County,
6 California, also identified as Assessor's Parcel Number 402-250-009 violates RCO No. 457 and
7 constitutes a public nuisance.

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

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

19 **ORDER TO ABATE NUISANCE**

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

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1 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
2 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
3 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
4 mailing of this Order to Abate Nuisance, the substandard structures, 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 FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of
9 asbestos containing materials in said structures by survey and materials sample testing by a duly
10 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
11 the removal of all asbestos containing materials discovered through such survey and testing by
12 contract with a duly certified and licensed contractor for the handling of such materials to avoid
13 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

COUNTY OF RIVERSIDE

By _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)