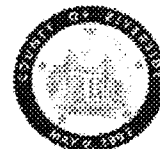


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

414B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCT. 6, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-02319 (CARBONI)
Subject Property: 15380 Elm Street, Cabazon; APN: 528-240-007
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02319 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 10-02319; 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 10-02319.

(Continued)

L. Alexandra 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 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 19, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*
Deputy

2.23

Abatement of Public Nuisance
Case No. CV 10-02319; CARBONI
15380 Elm Street, Cabazon
Page 2

BACKGROUND:

On September 14, 2010 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 (dwelling) 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.



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

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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
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WHEN RECORDED PLEASE MAIL TO:

L. Alexandra Fong, Deputy County Counsel

County of Riverside

OFFICE OF COUNTY COUNSEL

3960 Orange Street, Fifth Floor (Stop #1350)

Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

**C
522**

IN RE ABATEMENT OF PUBLIC NUISANCE:)
[SUBSTANDARD STRUCTURE]; APN 528-240-)
007, 15380 ELM STREET, CABAZON,)
RIVERSIDE COUNTY, CALIFORNIA; MARK A.)
CARBONI, OWNER.)

CASE NO. CV 10-02319

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on September 14, 2010, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 15380 Elm Street, Cabazon, Assessor's Parcel Number 528-240-007 and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

///

///

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2010 NOV -9 PM 12:32

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Mark A. Carboni ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Cabazon Water District ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on April 10, 2010, June 3, 2010, July 17, 2010 and September 9, 2010.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous plumbing; hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; abandoned/vacant; and public and attractive nuisance.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded on May 4, 2010, as Document Number 2010-0204785 in the Office of the County Recorder, County of Riverside.

7. On April 10, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign was posted on THE PROPERTY. On April 28, 2010, a Notice of Violation and Notice of Defects for the substandard structure were mailed to OWNER by certified mail, return receipt requested.

8. On July 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on September 14, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on July 17, 2010.



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on September 14, 2010, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) on the real property located at
5 15380 Elm Street, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number
6 528-240-007 violates Riverside County Ordinance No. 457 (RCC Chapter 15.12) and constitutes a
7 public nuisance.

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

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

19 **ORDER TO ABATE NUISANCE**

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

28 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and



1 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
3 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
4 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
5 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
6 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
7 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 (RCC Chapter 15.12) and 725 (RCC Chapter 1.16). Under Riverside
18 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the
19 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
20 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
21 costs associated with the removal or correction of the violation." Reasonable abatement costs
22 accrued by the Code Enforcement Department will be recoverable from THE OWNER even if THE

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



2010-0518126
10/28/2010 08:00A
4 of 6

FORM APPROVED COUNTY COUNSEL
BY: 9/30/10 DATE
L. ALEXANDRA FONG

1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

3
4 Dated: October 19, 2010

COUNTY OF RIVERSIDE

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

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Kalunguten

13 Deputy

14 (SEAL)



2010-0518126
10/28/2010 08:00A
5 of 6



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

<http://riverside.asrclrec.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:

10-19-10

Signature:

Karen Barton

Print Name:

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

2010-0518126
10/28/2010 08:08:08A
6 of 6



NOTICE LIST

Subject Property: 15380 Elm Street, Cabazon
Case No.: CV 10-02319; APN: 528-240-007; District 5

MARK A. CARBONI
68 1720 LAIE ST.
WAIKOLOA, HI 96738

CABAZON WATER DISTRICT
PO BOX 297
CABAZON, CA 92230

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CABAZON WATER DISTRICT
PO BOX 297
CABAZON CA 92230

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7010 0290 0002 1422 3896

CV10-02319 (CARBONI) FDF 2

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) ☒ Date of Delivery
C. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARK A. CARBONI
68 1720 LAIE ST
WAIKOLOA HI 96738

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☒ Addressee
B. Received by (Printed Name) ☒ Date of Delivery
C. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7010 0290 0002 1422 3919

CV10-02319 (CARBONI) FDF 2

PROOF OF SERVICE

Case No. CV 10-02319

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on November 8, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

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 CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** 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.

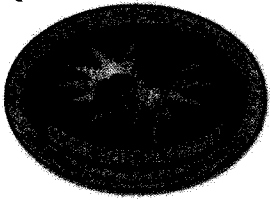
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 November 8, 2010, at Riverside, California.


BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 18, 2010

RE CASE NO: CV1002319

I, Jason Heagstedt, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 11/17/10 at 12:35 pm, I securely and conspicuously posted the Findings of Fact at the property described as:

Property Address: 15380 ELM ST, CABAZON

Assessor's Parcel Number: 528-240-007

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

Executed on November 18, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Jason Heagstedt, Code Enforcement Officer