

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

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

**SUBMITTAL DATE:**  
November 23, 2010

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No: CV 10-02264 (RICE)  
Subject Property: 53610 Marian View Drive, Idyllwild; APN: 561-122-020  
District: 3

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02264 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 10-02264; 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 10-02264.

(Continued)

\_\_\_\_\_  
L. ALEXANDRA FONG, 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

\_\_\_\_\_  
Jennifer L. Sargent

**County Executive Office Signature**

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| <input checked="" type="checkbox"/> Consent<br><br><input type="checkbox"/> Policy | <input checked="" type="checkbox"/> Consent<br><br><input type="checkbox"/> Policy |
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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: December 7, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

Abatement of Public Nuisance  
Case No. CV 10-02264; RICE  
53610 Marian View Drive, Idyllwild  
Page 2

**BACKGROUND:**

On November 2, 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.

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



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

[EXEMPT'6103] P

10 BOARD OF SUPERVISORS  
11 COUNTY OF RIVERSIDE



12 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-02264  
13 [SUBSTANDARD STRUCTURE]; APN 561-122- )  
14 022, 53610 MARIAN VIEW DRIVE, ) FINDINGS OF FACT,  
15 IDYLLWILD, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; JUDIE A. RICE, OWNER. ) ABATE NUISANCE  
) [R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on November 2, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described 53610 Marian View Drive, Idyllwild, Riverside County, Assessors' Parcel Number  
20 561-122-020 and referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owner.

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

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Judie A. Rice ("OWNER").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in  
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 22, 2010,  
7 April 28, 2010, June 30, 2010, July 28, 2010, October 14, 2010 and October 28, 2010.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE  
9 PROPERTY. The structure contained numerous deficiencies, including but not limited to: hazardous  
10 wiring; deteriorated or inadequate foundation; members of walls, partitions or other vertical supports  
11 that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs,  
12 ceiling and roof supports or other horizontal members which sag, split or buckle due to defective  
13 material or deterioration; dampness of habitable rooms; general dilapidation or improper maintenance;  
14 public and attractive nuisance.

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

17 6. A Notice of Noncompliance was recorded on March 30, 2010, as Document Number  
18 2010-0143964 in the Office of the County Recorder, County of Riverside.

19 7. On March 22, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not  
20 Enter" sign was posted on THE PROPERTY. On March 23, 2010 and March 26, 2010, Notices of  
21 Violation and Notice of Defects were mailed to OWNER by certified mail, return receipt requested.

22 8. On October 13, 2010, 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 November 2, 2010, was mailed by certified mail, return receipt requested, to OWNER and was  
25 posted on THE PROPERTY on October 14, 2010.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on November 2, 2010, finds and concludes that:



1 1. WHEREAS, the substandard structure (dwelling) on the real property located at  
2 53610 Marian View Drive, Idyllwild, Riverside County, California, also identified as Assessor's Parcel  
3 Number 561-122-020 violates Riverside County Ordinance No. 457 (RCC Chapter 15.12) and  
4 constitutes a public nuisance.

5 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
6 of THE PROPERTY shall abate the substandard structure condition by razing, removing and  
7 disposing 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) days.

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

15 **ORDER TO ABATE NUISANCE**

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

24 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
26 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days  
27 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents  
28 therein, and structural debris and materials, shall be abated by representatives of the Riverside County



1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
3 PROPERTY.

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

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. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
15 expenses reasonably related to the abatement of conditions which violate County Land Use  
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
17 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
18 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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

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Dated: December 7, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By Karen Burton  
Deputy  
(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: L. ALEXANDRA FONG / 11/22/10 / DATE



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

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

<http://riverside.asrelkrec.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)



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12/08/2010 09:38A  
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Date: 12-7-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



## **NOTICE LIST**

Subject Property: 53610 Marian View Drive, Idyllwild  
Case No.: CV 10-02264 APN: 561-122-020; District 3

JUDIE A RICE  
5618 GRAVES AVENUE  
ENCINO, CA 91316

# NOTICE LIST

Subject Property: 53610 MARIAN VIEW DR., IDYLLWILD

Case No.: CV10-02264

APN: 561-122-020; District 3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <input checked="" type="checkbox"/> <i>Sharon Rice</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Sharon Rice</i></p> <p>C. Date of Delivery <i>FEB 20 2010</i></p>
<p>1. Article Addressed to:</p> <p><b>JUDIE A RICE</b> <b>5618 GRAVES AVENUE</b> <b>ENCINO CA 91316</b></p> <p><i>CV10-02264 (Rice) FF1</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <b>7010 1670 0001 7232 5303</b></p>	

**PROOF OF SERVICE**

Case No. CV10-02264

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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, Suite 500, Riverside, California 92501-3674.

That on December 23, 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)**

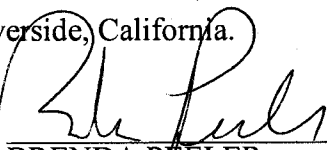
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 December 23, 2010, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**GLENN BAUDE**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

December 27, 2010

RE CASE NO: CV1002264

I, Wayne Durant, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 12/27/2010 at 10:30 AM, I securely and conspicuously posted Findings of Fact at the property described as:

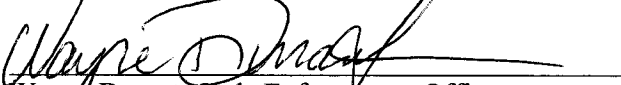
**Property Address:** 53610 MARIAN VIEW DR, IDYLLWILD

**Assessor's Parcel Number:** 561-122-020

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

Executed on December 27, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Wayne Durant, Code Enforcement Officer