

**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

(Continued)

PATTI F. SMITH, 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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: November 15, 2011
 xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

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:
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 Patti F. Smith, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

Handwritten mark



[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 51834 MAXINE AVE., CABAZON, RIVERSIDE)	FINDINGS OF FACT,
13 COUNTY, CALIFORNIA; APN 528-032-031)	CONCLUSIONS AND ORDER TO
)	ABATE NUISANCE
14 DAVID N. POWERS AND LOIS M. POWERS,)	
15 TRUSTEES OF THE DAVID AND LOIS)	[R.C.O. Nos. 348, 449, 457 and 725]
16 POWERS FAMILY TRUST DATED 4/4/95,)	
17 OWNERS.)	

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.

3
4 Dated: November 15, 2011

COUNTY OF RIVERSIDE

5
6 By *Bob Buster*
7 Bob Buster
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By *Kaunpaiten*
13 Deputy

14 (SEAL)
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11/17/2011 11:39A
6 of 7



**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:

11-15-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 51834 Maxine Ave., Cabazon; Case No.: CV10-08358;
APN: 528-032-031; District 5

DAVID N. POWERS, TRUSTEE
LOIS M. POWERS, TRUSTEE
DAVID & LOIS POWERS FAMILY
TRUST DATED 4/4/95
29529 SPOTTED BULL LANE
SAN JUAN CAPISTRANO CA 92675

CABAZON COUNTY WATER DISTRICT
PO BOX 297
CABAZON CA 92230

ALEXANDER, BERKEY, WILLIAMS &
WEATHER LLP
2030 ADDISON ST SUITE 410
BERKLEY CA 94704

MARK STRINGER, DIRECTOR
SET FREE CHRISTIAN
FELLOWSHIP -YUCAIPA
15118 ELM STREET
CABAZON CA 92230

CAROLYN SUE GREGORY
409 W. COUNTY LINE ROAD
CALIMESA CA 92320

SET FREE CHRISTIAN
FELLOWSHIP-YUCAIPA
PASTOR DALGITY
13700 CALIMESA BLVD.
YUCAIPA CA 92399

RALPH R. LOPEZ
ESTHER LOPEZ
SR1 BOX 1490
CABAZON CA 92230

DAVID R. STEIN
MARY LOUISE MCGEE
PO BOX 251
CABAZON CA 92230

SAFECO TITLE INSURANCE CO
PO BOX 1130
SAN BERNARDINO CA 92403

ORANGE COAST TITLE CO
1060 E WASHINGTON ST SUITE 200
COLTON CA 92324

PROOF OF SERVICE

Case No. CV10-08358

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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 6, 2011, 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)**

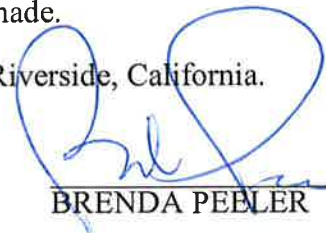
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 6, 2011, at Riverside, California.


BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

Glenn Baude
Director

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV10-08358

I, David Jurden, hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
24318 Hemlock Avenue, Suite C-1
Moreno Valley, CA 92557

2. That on ~~December 7, 2010~~ ^{11/27/11} at 1323 PM, I securely and conspicuously posted a **Finding of Fact, Conclusions and Order to Abate Nuisance** at the property described as:

Property Address: 51834 Maxine Avenue, Cabazon

Assessor's Parcel Number: 528-032-031

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

Executed on ~~December 8, 2010~~ ^{11/27/11} at Moreno Valley, California.

CODE ENFORCEMENT DEPARTMENT

By: 

David Jurden, Code Enforcement Technician

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Martin Sanderson

Address: Box 811
(only if follow-up mail response requested)

City: Cabazon Zip: 92230

Phone #: (951) 922-1880

Date: 11/15/11 Agenda # 2.9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Carola Baer

Address: P.O. Box 130
(only if follow-up mail response requested)

City: Cabazon Zip: 92230

Phone #: 951-789-5030

Date: 11/15/2011 Agenda # 2.9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____