

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

613B



**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)

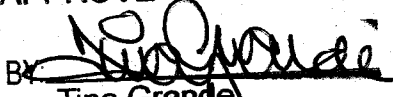
  
PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

|                       |                               |        |                         |     |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| <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


By   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione 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:** July 31, 2012  
**xc:** Co.Co.; Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

2.12

PREPARATIONS FILED WITH THE CLERK OF THE BOARD  
 Policy  Policy  
 Consent  Consent  
 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)

**DOC # 2012-0362191**  
08/01/2012

**Customer Copy Label**  
The paper to which this label is  
affixed has not been compared  
with the recorded document  
**Larry W Ward**  
County of Riverside  
Assessor, County Clerk & Recorder

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

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

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

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

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

23 Owner did not appear.

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 ("RCO") No. 457 and as a public nuisance.

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**COPY**

07.31.12 2.12

1 **SUMMARY OF EVIDENCE**

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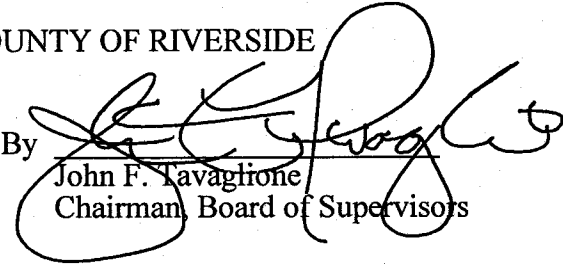
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1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

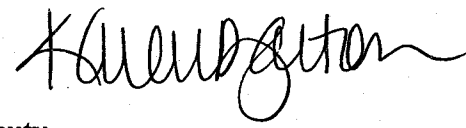
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Dated: July 31, 2012

COUNTY OF RIVERSIDE

By   
John F. Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By   
Deputy  
(SEAL)



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

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

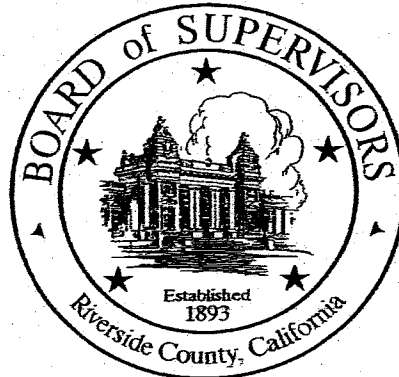
<http://riverside.asrclrec.com>

**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:

7-31-12

Signature:

*Karen Barton*

Print Name:

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