

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



705 B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
AUGUST 16, 2012

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]
Case No. : CV10-09440 [ESTATE OF STOPHER]
Subject Property: 25140 Marion Ridge Drive, Idyllwild; APN: 559-164-007
District: 3/3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-09440 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. CV10-09440; 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. CV10-09440.

(Continued)

PATRICIA MUNROE, 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

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: None
Absent: Stone
Date: August 28, 2012
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Consent
 Policy
 Consent
 Policy

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

2.14

Abatement of Public Nuisance
Case No.: CV10-09440 [ESTATE OF STOPHER]
25140 Marion Ridge Drive, Idyllwild
APN#559-164-007
District 3/3
Page 2

BACKGROUND:

On July 31, 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 (2 substandard cabins), excess outside storage and accumulation of rubbish 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 the 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)

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]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-09440
12 [SUBSTANDARD STRUCTURES, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
OF RUBBISH]; APN 559-164-007, 25140) CONCLUSIONS AND ORDER TO
14 MARION RIDGE DRIVE, IDYLLWILD,) ABATE NUISANCE
RIVERSIDE COUNTY, CALIFORNIA; THE)
15 ESTATE OF DOROTHY L. STOPHER, OWNER.) R.C.O. Nos. 348, 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on July 31, 2012, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 25140 Marion Ridge Drive, Idyllwild, Assessor's Parcel Number 559-164-007 and
21 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on Owner's behalf.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348, 457 and 541 and as a public nuisance.

COPY

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as The Estate of Dorothy L. Stopher ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 2,
7 2010, January 27, 2011, March 9, 2011, March 23, 2011, April 14, 2011, July 15, 2011, June 6, 2012
8 and July 30, 2012.

9 4. During each inspection, two substandard structures (cabins) were observed on THE
10 PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
11 structures contained numerous deficiencies, including but not limited to: lack of or improper water
12 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
13 fixtures; hazardous plumbing; lack of adequate heating facilities; deteriorated or inadequate
14 foundation; hazardous wiring; defective or deteriorated flooring or floor supports; members of walls,
15 partitions or other vertical supports that split, lean list or buckle due to defective material or
16 deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members
17 which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms;
18 faulty weather protection; general dilapidation or improper maintenance; and public and attractive
19 nuisance – abandoned/vacant.

20 5. During each inspection an accumulation of rubbish and excess outside storage was
21 also observed throughout THE PROPERTY consisting of but not limited to: pine needles, household
22 trash, wire, building materials, and other miscellaneous items.

23 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 Nos. 348, 457 and 541 by the Code Enforcement Officer.

25 7. On May 4, 2011, a Notice of Noncompliance was recorded at the Riverside County
26 Recorder's Office as instrument number 2011-0194727.

27 8. On December 2, 2010, a Notice of Violation and a "Do Not Dump" sign was posted
28 on THE PROPERTY. On January 27, 2011, a Notice of Violation, Notices of Defects and "Do Not

1 Enter” signs were posted on THE PROPERTY.

2 9. On December 7, 2010, Notice of Violation for the accumulated rubbish and excessive
3 outside storage of materials was mailed by certified mail, return receipt requested to OWNER. On
4 February 1, 2011 and August 3, 2011, a Notice of Violation for the substandard structures and
5 Notices of Defects were mailed by certified mail, return receipt requested to OWNER.

6 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
7 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
8 was posted on THE PROPERTY.

9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on July 31, 2012, finds and concludes that:

12 1. WHEREAS, the substandard structures (2 cabins), excessive outside storage of
13 materials and accumulation of rubbish on the real property located at 25140 Marion Ridge Drive,
14 Idyllwild, Riverside County, California, also identified as Assessor's Parcel Number 559-164-007
15 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.

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

23 3. WHEREAS, the OWNER, occupants and any other person having possession or
24 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
25 materials by removing and disposing of all rubbish and excessive outside storage on THE
26 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
27 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

28 4. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within

1 which judicial review of the administrative determinations made herein must be sought is ninety (90)
2 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
3 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structures (2 cabins) on THE
6 PROPERTY be abated by the OWNER, specifically The Estate of Dorothy L. Stopher, or anyone
7 having possession or control of THE PROPERTY, by razing and removing the substandard
8 structures including the removal and disposal of all structural debris and materials, as well as the
9 contents therein, or by reconstruction and rehabilitation of said structures provided such
10 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
11 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
12 days of the posting and mailing of this Order to Abate Nuisance.

13 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
14 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
15 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
16 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
17 therein, and structural debris and materials, may be abated and disposed of by representatives of the
18 Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon
19 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing
20 entry onto THE PROPERTY.

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

27 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
28 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of

1 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
2 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
3 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the
4 posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
6 storage of materials is not removed and disposed of in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
8 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
9 outside storage of materials may be abated and disposed of by representatives of the Riverside
10 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
11 owner's consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
16 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
17 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
18 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
19 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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

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Dated: August 28, 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.asrcfcrec.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:

8-23-12

Signature:

Print Name:

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