

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

906B



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

**SUBMITTAL DATE:**

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. CV13-03875 [CARPENTER]  
Subject Property: 43483 Mesa Street, Banning; APN: 531-050-037  
District: 5/5 [\$0.00]

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03875;
  2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03875; and
  3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03875.

**BACKGROUND:**

**Summary**

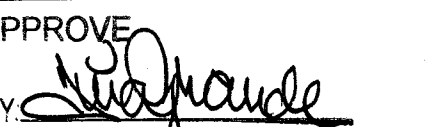
On June 3, 2014, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structure (dwelling) located on the subject property to be a public nuisance. The Board ordered the property owner

(Continued)

  
PATRICIA MUNROE  
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

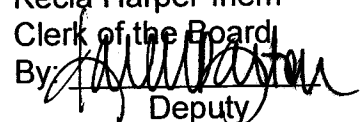
**SOURCE OF FUNDS:** \_\_\_\_\_  
Budget Adjustment: \_\_\_\_\_  
For Fiscal Year: \_\_\_\_\_

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
Tina Grande  
County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: July 15, 2014  
xc: TLMA-Code Enforcement, Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 06/03/14; 9.7 | District: 5/5 | Agenda Number:

2-18

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

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

**FORM 11: Order to Abate [Substandard Structure]**

Case No. CV13-03875 [CARPENTER]

Subject Property: 43483 Mesa Street, Banning; APN: 531-050-037

District: 5/5 [\$0.00]

**DATE:**

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

**Impact on Citizens and Businesses**

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Findings of Fact

Customer Copy Label  
The paper to which this label is  
affixed has not been compared  
with the filed/recorded document

Larry W Ward  
County of Riverside  
Assessor, County Clerk & Recorder

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

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 13-03875  
12 [SUBSTANDARD STRUCTURE]; )  
13 APN 531-050-037, 43483 MESA STREET, ) FINDINGS OF FACT,  
14 BANNING, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
15 CALIFORNIA; MARK J. CARPENTER AND ) ABATE NUISANCE  
LINDA CHARIS CARPENTER, OWNERS. )  
[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on June 3, 2014, 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 43483 Mesa Street, Banning, Assessor's Parcel Number 531-050-037 and referred to  
20 hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of  
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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**COPY**

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the owners  
3 of THE PROPERTY as Mark J. Carpenter and Linda Charis Carpenter ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Mark J. Carpenter and Linda C. Carpenter, Trustees of the Carpenter Family  
6 Trust dated July 2, 2012 and Wells Fargo Bank, N.A. (hereinafter collectively referred to as  
7 "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on September 26,  
9 2013, October 10, 2013, November 14, 2013 and March 18, 2014.

10 4. During each inspection, a substandard structure (bunker) was observed on THE  
11 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,  
12 including but not limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen  
13 sink; lack of hot and cold running water to plumbing fixtures; lack of connection to required sewage  
14 system; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate  
15 heating facilities; members of walls, partitions, or other vertical supports that split, list, lean, or  
16 buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof  
17 supports or other horizontal members which sag, split, or buckle due to defective material or  
18 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or  
19 improper maintenance; fire hazard; improper occupancy.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
21 No. 457 by the Code Enforcement Officer.

22 6. A Notice of Pendency of Administrative Proceedings was recorded on October 16,  
23 2013, as Document Number 2013-0495717 in the Office of the County Recorder, County of  
24 Riverside.

25 7. On September 26, 2013 and October 10, 2013, a Notice of Violation, Notice of  
26 Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On October 8, 2013,  
27 Notice of Violation and Notice of Defects for the substandard structure were mailed to OWNERS by  
28 first class mail and on October 23, 2013, a Notice of Violation and Notice of Defects was mailed to

1 INTERESTED PARTIES by first class mail.

2 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
3 providing notice of the public hearing before the Board of Supervisors on June 3, 2014, was mailed  
4 to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
7 regular session assembled on June 3, 2014, finds and concludes that:

8 1. WHEREAS, the substandard structure (bunker) on the real property located at 43483  
9 Mesa Street, Banning, Riverside County, California, also identified as Assessor's Parcel Number  
10 531-050-037 violates RCO No. 457 and constitutes a public nuisance.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structure (bunker) on THE PROPERTY  
24 be abated by the OWNERS, or anyone having possession or control of THE PROPERTY, by razing  
25 and removing the substandard structure including the removal and disposal of all structural debris  
26 and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure  
27 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all  
28 Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days of

1 the posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
3 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
4 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and  
5 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural  
6 debris and materials, may be abated by representatives of the Riverside County Code Enforcement  
7 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court  
8 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

9 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of  
10 asbestos containing materials in said structure by survey and materials sample testing by a duly  
11 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
12 the removal of all asbestos containing materials discovered through such survey and testing by  
13 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
14 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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

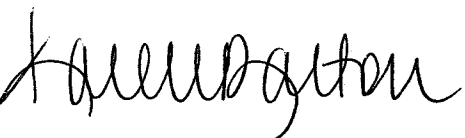
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Dated: July 15, 2014

COUNTY OF RIVERSIDE

By   
Jeff Stone  
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

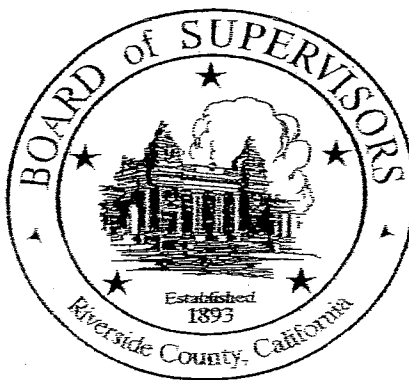
<http://riverside.asrcfrec.com>

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:

7-15-14

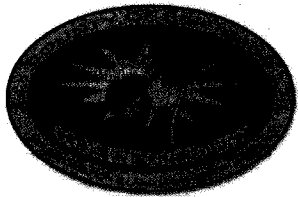
Signature:

*Karen Barton*

Print Name:

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





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

Greg Flannery  
Code  
Enforcement  
Official

**AFFIDAVIT OF POSTING OF NOTICES**

**Case No.: CV13-03875**

**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  
 581 S. Grand Avenue  
 San Jacinto, CA 92582

2. That on **July 25, 2014 at 1306 PM**, I securely and conspicuously posted the **Findings of Fact, Conclusions and Order to Abate Nuisance and Notice List** at the property described as:

**Property Address: 43483 Mesa Street, Banning**

**Assessor's Parcel Number: 531-050-037**

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

Executed on **July 25, 2014** at San Jacinto, California.

**CODE ENFORCEMENT DEPARTMENT**

By: 

**David Jurden, Code Enforcement Technician**

*Carpenet*

**PROOF OF SERVICE**  
Case No. CV13-03875 Carpenter

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501.

That on July 24, 2014, 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 July 24, 2014, at Riverside, California.

  
\_\_\_\_\_  
STACY BAUMGARTNER  
CODE ENFORCEMENT OFFICER III

## NOTICE LIST

Subject Property: 43483 Mesa Street, Banning;  
Case No.: CV13-03875 Carpenter  
APN: 531-050-037; District 5/5

MARK J. CARPENTER  
LINDA CHARIS CARPENTER  
24 CLANCY LANE  
RANCHO MIRAGE, CA 92270

MARK J. CARPENTER  
LINDA CHARIS CARPENTER TRUSTEES  
OF THE CARPENTER FAMILY TRUST  
25 CALNCY LANE  
RANCHO MIRAGE, CA 92270

WELLS FARGO BANK, N.A.  
1000 BLUE GENTIAN ROAD  
EAGAN, MN 55121

CYNTHIA GAZAWAY  
JACK NOTTINGHAM  
RODNEY NOTTINGHAM  
43483 MESA STREET  
BANNING, CA 92220

OCCUPANT  
43483 MESA STREET  
BANNING, CA 92220