

**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:
September 18, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV12-03712 [SALAS]
Subject Property: 52274 Date Ave., Cabazon, APN: 528-113-028
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. CV12-03712;
 2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03712; and
 3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03172.

BACKGROUND:

Summary

On August 5, 2014, this Board held a public hearing and received the declaration of the Code Enforcement Officer and attached evidence in the above-referenced matter and declared the substandard structure (garage) located on the subject property to be a public nuisance. The Board ordered the

(Continued)

GREGORY P. PRIAMOS
County Counsel

Departmental Concurrence

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 Granda

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, 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: September 30, 2014
xc: Co.Co./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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

Prev. Agn. Ref.: 08/05/14; 9.8 | District: 5/5 | Agenda Number:

2-6

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structure]

Case No. CV12-03712 [SALAS]

Subject Property: 52274 Date Avenue, Cabazon, APN: 528-113-028

District: 5/5 [\$0.00]

DATE: September 18, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

property owner 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

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 filed/recorded document

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

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]

FORM APPROVED COUNTY COUNSEL
BY *LISA A. TRACOM* 8/21/14 DATE

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-03712
12 [SUBSTANDARD STRUCTURE];)
13 APN 528-113-028, 52274 DATE AVENUE,) FINDINGS OF FACT,
14 CABAZON, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; ISABELLE SALAS, OWNER.) ABATE NUISANCE
) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on August 5, 2014, 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 as 52274 Date Avenue, Cabazon, Assessor's Parcel Number 528-113-028 and
20 referred to 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 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 structure on THE PROPERTY as violation of
26 Riverside County Ordinance ("RCO") No. 457 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 Isabelle Salas (“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 January 30, 2013,
7 March 21, 2013, June 6, 2013, September 17, 2013, December 3, 2013, and May 25, 2014.

8 4. During each inspection, a substandard structure (garage) was observed on THE
9 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,
10 including but not limited to: members of ceilings, roofs, ceiling and roof supports or other horizontal
11 members which sag, split, or buckle due to defective material or deterioration; dampness of habitable
12 rooms; faulty weather protection; extensive fire damage; public and attractive nuisance –
13 abandoned/vacant.

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

16 6. A Notice of Pendency of Administrative Proceedings was recorded on August 15,
17 2013, as Document Number 2013-0400655 in the Office of the County Recorder, County of
18 Riverside.

19 7. On January 30, 2013, a Notice of Violation, Notice of Defects and a “Danger Do Not
20 Enter” sign were posted on THE PROPERTY. On February 6, 2013, Notice of Violation and Notice
21 of Defects for the substandard structure was mailed to OWNER by first class mail.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
23 providing notice of the public hearing before the Board of Supervisors on August 5, 2014, was
24 mailed to OWNER on July 1, 2014, and was posted on THE PROPERTY on July 8, 2014.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on August 5, 2014, finds and concludes that:

28 1. WHEREAS, the substandard structure (garage) on the real property located at 52274

1 Date Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number
2 528-113-028 violates RCO No. 457 and constitutes a public nuisance.

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

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

13 **ORDER TO ABATE NUISANCE**

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

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

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


7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
11 costs" means "any costs or expenses, including County staff time reasonably related to the abatement
12 of conditions which violate Land Use Ordinances, and shall include, but not be limited to,
13 enforcement, investigation, summaries, reports, notices, telephonic contact, correspondence, mailing
14 expense, title search costs, administrative costs including scheduling and participation at hearings,
15 Hearing Officer costs, expenses incurred by the County, court costs, civil or administrative penalties,
16 collection, attorneys' fees, and other costs associated with the removal, abatement or correction of a

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1 violation." Reasonable abatement costs accrued by the County of Riverside will be recoverable from
2 the OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the
3 date of this Order to Abate Nuisance.

4
5 Dated: September 30, 2014

COUNTY OF RIVERSIDE

6
7 By 
8 Jeff Stone
Chairman, Board of Supervisors

9 ATTEST:
10 KECIA HARPER-IHEM
11 Clerk to the Board

12
13 By 
14 Deputy
15 (SEAL)

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

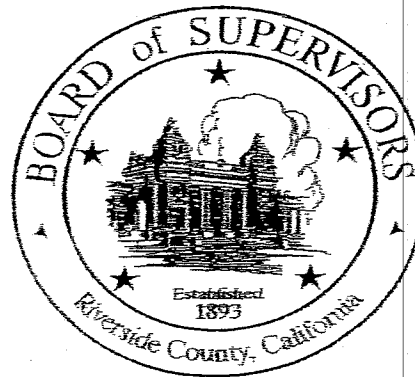
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 436-7000
<http://riverside.asclrec.com>

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: 9-30-14

Signature: *Karen Barton*

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



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

AFFIDAVIT OF POSTING OF NOTICES

October 22, 2014

RE CASE NO: CV1203712

I, Edward Torres, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
581 South Grand Avenue
San Jacinto, California, 92582
Mail Stop #5002.

That on 10/20/2014 at 1220 hours, I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

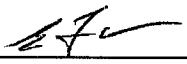
Property Address: 52274 DATE AVE, CABAZON

Assessor's Parcel Number: 528-113-028

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

Executed on October 22, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Edward Torres, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV12-03712 Salas

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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, 12th Floor, Riverside, California 92501.

That on October 9, 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 October 9, 2014, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: 52274 Date Ave., Cabazon;
Case No.: CV12-03712 SALAS
APN: 528-113-028; District 5/5

**ISABELLE SALAS
245 ROBERGE AVE.
BANNING, CA 92220**

**ISABELLE SALAS
52274 DATE AVE.
CABAZON, CA 92230**

**VICTORIA L. HASELWANDER
246 ROBERGE AVE.
BANNING, CA 92220**