

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

605B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV13-02617 [RDR SPRINGS, LLC]
Subject Property: 73562 Armand Way, Thousand Palms; APN 694-071-014
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02617;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02617; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02617.

BACKGROUND:

Summary

On May 6, 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

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

Prev. Agn. Ref.: 05/06/14; 9.4

District: 4/4

Agenda Number:

2-17

Departmental Concurrence

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

FORM 11: Order to Abate [Substandard Structure]

Case No. CV13-02617 [RDR SPRINGS, LLC]

Subject Property: 73562 Armand Way, Thousand Palms; APN: 694-071-014

District: 4/4 [\$0.00]

DATE: May 15, 2014

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

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

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

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-02617
12 [SUBSTANDARD STRUCTURE];)
13 APN 694-071-014, 73562 ARMAND WAY,) FINDINGS OF FACT,
THOUSAND PALMS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; RDR SPRINGS, LLC, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on May 6, 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 73562 Armand Way, Thousand Palms, Riverside County, Assessor's Parcel Number
20 694-071-014 and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
22 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 RDR Springs, LLC (“OWNER”).

4 2. Documents of title indicate that other parties potentially may hold a legal interest in
5 THE PROPERTY, to-wit: Sterling Bank and Trust, Shenandoah Springs Development Company,
6 Inc., Shenandoah Springs, LLC, Palm Desert National Bank, Federal Deposit Insurance Corporation,
7 Sterling Bank and Trust, FSB, and Fidelity National Title Company (hereinafter collectively referred
8 to as “INTERESTED PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 19, 2013,
10 July 19, 2013, July 24, 2013, October 30, 2013, and January 2, 2014.

11 4. During each inspection, a substandard structure (dwelling) was observed on THE
12 PROPERTY. The structure was observed to contain numerous deficiencies, including but not
13 limited to: hazardous wiring; faulty weather protection; general dilapidation or improper
14 maintenance; public and attractive nuisance – abandoned/vacant.

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

17 6. A Notice of Pendency of Administrative Proceedings was recorded on July 22, 2013,
18 as Document Number 2013-0351076 in the Office of the County Recorder, County of Riverside.

19 7. On June 19, 2013, Notice of Violation, Notice of Defects and a “Danger Do Not
20 Enter” sign were posted on THE PROPERTY. On July 24, 2013, a Notice of Violation was posted
21 on THE PROPERTY. On July 15, 2013, August 15, 2013, and January 30, 2014, Notices of
22 Violation and Notice of Defects for the substandard structure were mailed to OWNER and
23 INTERESTED PARTIES by certified mail with return receipt requested.

24 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors on May 6, 2014, was mailed
26 to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on May 6, 2014, finds and concludes that:

2 1. WHEREAS, the substandard structure (dwelling) on the real property located at
3 73562 Armand Way, Thousand Palms, Riverside County, California, also identified as Assessor's
4 Parcel Number 694-071-014 violates RCO No. 457 and constitutes a public nuisance.

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

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

16 **ORDER TO ABATE NUISANCE**

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

24 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
25 disposed of, or reconstructed and rehabilitated 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, the substandard structure, contents therein, and structural
28 debris and materials, may be abated by representatives of the Riverside County Code Enforcement

1 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
2 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

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

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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: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)