

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

405B



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

**SUBMITTAL DATE:**  
11/18/2014

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV12-01582 [SCHMIDT]  
Subject Property: 19099 Driscoll Road, Desert Hot Springs; APN: 645-250-004  
District: 4/4 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV12-01582 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. CV12-01582; 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. CV12-01582.

**BACKGROUND:**

**Summary**

On October 7, 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) and accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(Continued)

GREGORY P. PRIAMOS  
County Counsel

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

|                         |                           |
|-------------------------|---------------------------|
| <b>SOURCE OF FUNDS:</b> | <b>Budget Adjustment:</b> |
|                         | For Fiscal Year:          |

**C.E.O. RECOMMENDATION:**

APPROVE

BY   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

Departmental Concurrence

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

Prev. Agn. Ref.: 10/07/14; 9.3

District: 4/4

Agenda Number:

2-6

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

**FORM 11: Order to Abate [Substandard Structure & Accumulated Rubbish]**

Case No. : CV12-01582 [SCHMIDT]

Subject Property: 19099 Driscoll Road, Desert Hot Springs; APN: 645-250-004

District: 4/4 [\$0.00]

**DATE:** 11/18/2014

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

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.

**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)

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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-01582  
12 [SUBSTANDARD STRUCTURE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 645-250-004, 19099 DRISCOLL ROAD, ) CONCLUSIONS AND ORDER TO  
15 DESERT HOT SPRINGS, RIVERSIDE COUNTY, ) ABATE NUISANCE  
16 CALIFORNIA; SANDRA D. SCHMIDT, )  
OWNER. ) R.C.O. Nos. 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on October 7, 2014, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 19099 Driscoll Road, Desert Hot Springs, Riverside, Assessor's Parcel  
21 Number 645-250-004 and referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

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

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as Sandra D. Schmidt (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Internal Revenue Service (hereinafter referred to as “INTERESTED  
6 PARTY”). OWNER is deceased and property taxes are being paid by Julie Schmidt and Mark  
7 Schmidt (hereinafter collectively referred to as “SCHMIDT INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 12, 2012,  
9 and on seventeen (17) other occasions, the last being October 2, 2014.

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

14 5. During each inspection an accumulation of rubbish was observed throughout THE  
15 PROPERTY consisting of but not limited to: metal, plastic, wood, construction materials, furniture,  
16 appliances, and approximately five (5) tires in excess of 1,750 square feet.

17 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 Nos. 457 and 541 by the Code Enforcement Officer.

19 7. A Notice of Pendency of Administrative Proceedings was recorded on May 17, 2012,  
20 as Document Number 2012-0229234 in the Office of the County Recorder, County of Riverside.

21 8. On March 12, 2012, Notice of Violation, Notice of Defects, a “Danger Do Not Enter”  
22 sign were posted on THE PROPERTY. On March 13, 2012, Notice of Violation and Notice of  
23 Defects was mailed to OWNER by certified mail with return receipt requested. On April 25, 2014, a  
24 Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTY by  
25 first class mail. On June 4, 2014 and July 10, 2014, a Notice of Violation and Notice of Defects  
26 were mailed to OWNER and SCHMIDT INTERESTED PARTIES by first class mail.

27 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
28 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and

1 INTERESTED PARTY by first class mail and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
6 real property located at 19099 Driscoll Road, Desert Hot Springs, Riverside County, California, also  
7 identified as Assessor's Parcel Number 645-250-004 violates Riverside County Ordinance Nos. 457  
8 and 541 and constitutes a public nuisance.

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

16 3. WHEREAS, the OWNER, occupants and any other person having possession or  
17 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of  
18 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,  
19 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE  
27 PROPERTY be abated by the OWNER, Sandra D. Schmidt, or anyone having possession or control  
28 of THE PROPERTY, by razing and removing the substandard structure including the removal and

1 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction  
2 and rehabilitation of said structure provided such reconstruction and rehabilitation can be  
3 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to  
4 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order  
5 to Abate Nuisance.

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

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

20 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
21 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing  
22 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
23 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)  
24 days of the date of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
26 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
27 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the  
28 accumulation of rubbish may be abated by representatives of the Riverside County Code

1 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
6 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
10 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)