

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

303B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 12, 2015

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV14-02173 [KAWAJA]
Subject Property: 31897 Taylors Road, Thousand Palms; APN: 650-290-025
District: 4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV14-02173 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. CV14-02173; 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. CV14-02173.

BACKGROUND:

Summary

On December 2, 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 (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.: 12/02/14; 9.3 | District: 4 | Agenda Number:

2-8

Departmental Concurrence

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

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

Case No. : CV14-02173 [KAWAJA]

Subject Property: 31897 Taylors Road, Thousand Palms, APN: 650-290-025

District: 4 [\$0.00]

DATE: March 12, 2015

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
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-02173
14 [SUBSTANDARD STRUCTURES AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 650-290-025, 31897 TAYLORS ROAD,) FINDINGS OF FACT,
17 THOUSAND PALMS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
18 CALIFORNIA; YACoub ELIAS KAWAJA,) ABATE NUISANCE
19 OWNER.) R.C.O. Nos. 457, 541 and 725
20)
21)
22)

23 The above-captioned matter came on regularly for hearing on December 2, 2014, before the
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
26 property described as 31897 Taylors Road, Thousand Palms, Riverside, Assessor's Parcel Number
27 650-290-025 and referred to hereinafter as "THE PROPERTY."

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

Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
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 Yacoub Elias Kawaja (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Jack B. Shaw and Janice N. Shaw, Trustees of the Shaw Family Trust
6 dated November 16, 1989, Coachella Valley Water District and Citibank (South Dakota) N.A.,
7 (hereinafter referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 2, 2014, July
9 7, 2014, July 29, 2014, July 31, 2014, August 27, 2014, September 25, 2014, and November 24,
10 2014.

11 4. During each inspection, two substandard structures (mobilehome on permanent
12 foundation and shed) were observed on THE PROPERTY. The structures were observed to be
13 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but
14 not limited to: extensive fire damage; faulty weather protection; general dilapidation or improper
15 maintenance; public and attractive nuisance – abandoned/vacant.

16 5. During each inspection an accumulation of rubbish was observed throughout THE
17 PROPERTY consisting of but not limited to: televisions, wood, metal, broken glass, clothing and
18 trash bags.

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

21 7. A Notice of Pendency of Administrative Proceedings was recorded on July 16, 2014,
22 as Document Number 2014-0263455 in the Office of the County Recorder, County of Riverside.

23 8. On June 2, 2014, Notice of Violation, Notice of Defects, a “Danger Do Not Enter”
24 sign were posted on THE PROPERTY. On July 31, 2014, a Notice of Violation was posted on THE
25 PROPERTY. On June 3, 2014, notice of Violation and Notice of Defects was mailed to OWNER by
26 first class mail. On July 9, 2014, Notice of Violation and Notice of Defects were mailed to OWNER
27 and INTERESTED PARTIES by first class mail.

28 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”

1 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
2 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on December 2, 2014, finds and concludes that:

6 1. WHEREAS, the substandard structures (mobilehome on permanent foundation and
7 shed) and accumulation of rubbish on the real property located at 31897 Taylors Road, Thousand
8 Palms, Riverside County, California, also identified as Assessor's Parcel Number 650-290-025
9 violates Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

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

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the substandard structures (mobilehome on permanent
28 foundation and shed) on THE PROPERTY be abated by the OWNER, or anyone having possession

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

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

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

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

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

1 accumulation of rubbish may be abated by representatives of the Riverside County Code
2 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
3 consent or a Court Order when necessary under applicable law.

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

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)