

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

709 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

August 5, 2015

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV13-00034 [ASHBURN]
Subject Property: 17195 Louise Street, North Palm Springs; APN: 666-204-015
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

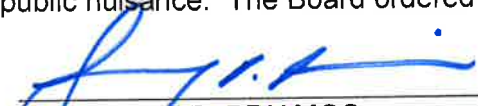
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00034 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV13-00034; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00034.

BACKGROUND:

Summary

On June 30, 2015, 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 type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Departmental Concurrence

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

Prev. Agn. Ref.: 06/30/15; 9.7

District: 5

Agenda Number:

2-39

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

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

Case No. : CV13-00034 [ASHBURN]

Subject Property: 17195 Louise Street, North Palm Springs; APN: 666-204-015

District: 5 [\$0.00]

DATE: August 5, 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 13-00034
14 [SUBSTANDARD STRUCTURE AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 666-204-015, 17195 LOUISE STREET,) CONCLUSIONS AND ORDER TO
17 NORTH PALM SPRINGS, RIVERSIDE) ABATE NUISANCE
18 COUNTY, CALIFORNIA; MARTHA A.)
19 ASHBURN, OWNER.) R.C.O. Nos. 457, 541 and 725

20 The above-captioned matter came on regularly for hearing on June 30, 2015, before the Board
21 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
22 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
23 described as 17195 Louise Street, North Palm Springs, Riverside, Assessor's Parcel Number 666-
24 204-015 and referred to hereinafter as "THE PROPERTY."

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

27 Owner did not appear.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structure 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 Martha A. Ashburn ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Panacea Investments, a California Corporation (erroneously spelled as
6 Panacera), Mortgage Electronic Registration System, Inc., acting as a nominee for Aegis Wholesale
7 Corporation, Mortgage Electronic Registration System Inc., acting as a nominee for First NLC
8 Financial Services LLC and Jeffrey M. Henschel (hereinafter referred to as "INTERESTED
9 PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on January 4, 2013
11 and on sixteen (16) other occasions, the last being June 22, 2015.

12 4. During each inspection, a substandard structure (dwelling) was observed on THE
13 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
14 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
15 lavatory, bathtub, shower or kitchen sink; hazardous wiring; members of walls, partitions, or other
16 vertical supports that split, lean, list or buckle due to defective material or deterioration; members of
17 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due
18 to defective material or deterioration; faulty weather protection; general dilapidation or improper
19 maintenance; public and attractive nuisance – abandoned/vacant.

20 5. During each inspection an accumulation of rubbish was observed throughout THE
21 PROPERTY consisting of but not limited to: green waste, scrap wood, scrap metal, plastic
22 containers, tires, discarded furniture and miscellaneous items.

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

25 7. A Notice of Pendency of Administrative Proceedings was recorded on March 7, 2013,
26 as Document Number 2013-0114755 in the Office of the County Recorder, County of Riverside.

27 8. On January 4, 2013, a Notice of Violation, Notice of Defects, a "Danger Do Not
28 Enter" sign were posted on THE PROPERTY. On January 14, 2013, Notice of Violation and Notice

1 of Defects was mailed to OWNER by regular mail. On November 5, 2013 and June 24, 2013,
2 Notices of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES,
3 Panacea Investment, a California Corporation (erroneously spelled as Panacera), Aegis Wholesale
4 Corporation, First NLC Financial Services and Jeffrey M. Henschel by certified mail, return receipt
5 requested. On July 11, 2014, a Notice of Violation and Notice of Defects were mailed to OWNER
6 by certified mail, return receipt requested and was posted on THE PROPERTY on July 15, 2014. On
7 August 26, 2014, a Notice of Violation and Notice of Defects was mailed to OWNER by certified
8 mail, return receipt requested and was posted on THE PROPERTY on August 27, 2014. On January
9 29, 2015, a Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED
10 PARTY Mortgage Electronic Registration System, Inc., by certified mail, return receipt requested.

11 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
12 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
13 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

14 **FINDINGS AND CONCLUSIONS**

15 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
16 regular session assembled on June 30, 2015, finds and concludes that:

17 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
18 real property located at 17195 Louise Street, North Palm Springs, Riverside County, California, also
19 identified as Assessor's Parcel Number 666-204-015 violates Riverside County Ordinance Nos. 457
20 and 541 and constitutes a public nuisance.

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

28 3. WHEREAS, the OWNER, occupants and any other person having possession or

1 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
2 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

9 **ORDER TO ABATE NUISANCE**

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

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

25 FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of
26 asbestos containing materials in said structures by survey and materials sample testing by a duly
27 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
28 the removal of all asbestos containing materials discovered through such survey and testing by

1 contract with a duly certified and licensed contractor for the handling of such materials to avoid
2 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

8 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
9 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
10 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
11 accumulation of rubbish may be abated by representatives of the Riverside County Code
12 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
13 consent or a Court Order when necessary under applicable law.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
18 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
19 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
20 collection and administrative costs, attorneys fees, and the costs associated with the removal or
21 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)