

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

407B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2015

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV14-01911 [ESTATE OF NORBERT S. KLONOWSKI]
Subject Property: 75995 Skyline Drive, Desert Hot Springs; APN: 647-130-017
District: 4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01911 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. CV14-01911; 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. CV14-01911.

BACKGROUND:

Summary

On September 1, 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 checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 9/01/15; 9.6

District: 4

Agenda Number:

2-11

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

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

Case No.: CV14-01911 [ESTATE OF NORBERT S. KLONOWSKI]

Subject Property: 75995 Skyline Drive, Desert Hot Springs, APN: 647-130-017

District: 4 [\$0.00]

DATE: October 6, 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 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Estate of Norbert S. Klonowski ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Beneficial California Inc. and Associates Home Equity Services, Inc.
6 (hereinafter referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 4, 2014,
8 and on six (6) other occasions, the last being August 27, 2015.

9 4. During each inspection, four (4) substandard structures (dwelling and 3 accessory
10 structures) were observed on THE PROPERTY. The structures were observed to be abandoned,
11 dilapidated, and vacant. The structures contained numerous deficiencies, including but not limited
12 to: faulty weather protection; general dilapidation or improper maintenance; built without building
13 permits; and 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: plastic, wood, metal, household trash, personal items,
16 scrap wood, and miscellaneous items in excess of 2,000 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 July 11, 2014,
20 as Document Number 2014-0258137 in the Office of the County Recorder, County of Riverside.

21 8. On August 4, 2014, Notice of Violation, Notice of Defects and "Danger Do Not
22 Enter" signs were posted on THE PROPERTY. On December 9, 2014, Notice of Violation and
23 Notice of Defects were mailed to OWNER and INTERESTED PARTIES by first class mail.

24 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
25 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
26 INTERESTED PARTIES by first class mail 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 September 1, 2015, finds and concludes that:

2 1. WHEREAS, the substandard structures (dwelling and 3 accessory structures) and
3 accumulation of rubbish on the real property located at 75995 Skyline Drive, Desert Hot Springs,
4 Riverside County, California, also identified as Assessor's Parcel Number 647-130-017 violates
5 Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structures (dwelling and 3 accessory
24 structures) on THE PROPERTY be abated by the OWNER or anyone having possession or control
25 of THE PROPERTY, by razing and removing the substandard structures including the removal and
26 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
27 and rehabilitation of said structures provided such reconstruction and rehabilitation can be
28 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
2 to Abate Nuisance.

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

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

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

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

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
3 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, “abatement
4 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate
5 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
6 collection and administrative costs, attorneys fees, and the costs associated with the removal or
7 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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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
7 Marion Ashley
Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By

13 Deputy

14 (SEAL)