

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

8043



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
January 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 08-10056 & CV 09-03796 (SCHWARTZ)  
Subject Property: 17211 Covey Street, North Palm Springs  
APN: 666-201-012  
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10056 & CV 09-03796 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 Nos. CV 08-10056 & CV 09-03796; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-10056 & CV 09-03796.

JULIE JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: February 9, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

Prev. Agn. Ref.: 12/15/09: 9.9 | District 5 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2.16

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case Nos.: CV 08-10056 & CV 09-03796

Subject Property: 17211 Covey Street, North Palm Springs

APN: 666-201-012

District Five

**BACKGROUND:**

On December 15, 2009 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 excess outside storage and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.



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

WHEN RECORDED PLEASE MAIL TO:  
Julie Jarvi, Deputy County Counsel  
County of Riverside  
OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

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[EXEMPT'6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:  
[EXCESSIVE OUTSIDE STORAGE AND  
ACCUMULATION OF RUBBISH];  
APN 666-201-012, 17211 COVEY STREET,  
NORTH PALM SPRINGS, RIVERSIDE  
COUNTY, CALIFORNIA; ANNE MARIE  
SCHWARTZ, OWNER.

CASE NOS. CV 08-10056 &  
CV 09-03796

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter  
17.156), 541 (RCC Chapter 8.120) and  
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 15, 2009 before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 17211 Covey Street, North Palm Springs, Riverside County, California and further described as Assessor's Parcel Number 666-201-012 and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside  
2 County Code Chapter 17.156) and 541 (Riverside County Code Chapter 8.120) and as a public  
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
6 THE PROPERTY as Anne Marie Schwartz ("OWNER").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
8 PROPERTY, to wit: Anne Marie Schwartz Living Trust U/A dated August 7, 2007; The 17-211  
9 Covey St. Trust, Ovando Moruna Villarrel, Trustee, The Security Trust and Mission Springs Water  
10 District ("INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on November 25,  
12 2008, May 6, 2009, June 3, 2009, July 11, 2009, September 1, 2009 and December 14, 2009.

13 4. During each inspection, the outside storage of materials and accumulation of rubbish  
14 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
15 were not limited to: furniture, appliances, tires, machinery, auto parts, bikes, off road vehicles, scrap  
16 metal, buckets, plastic containers, aluminum, wood and household items. The officer measured the  
17 amount of accumulated rubbish and excess outside storage of materials as approximately four  
18 thousand, thirty-four (4,034) square feet. Given the size of the parcel (.17 acres) and the zoning  
19 classification (W-2-M, Controlled Development Areas with Mobilehomes), no amount of outside  
20 storage is allowed on THE PROPERTY. No amount of rubbish is allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
22 Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. Notices of Noncompliance were recorded on January 20, 2009 and June 25, 2009 as  
24 Document Numbers 2009-0025745 and 2009-0325137 in the Office of the County Recorder, County  
25 of Riverside.

26 7. On November 25, 2008, a Notice of Violation for violation of Riverside County  
27 Ordinance No. 348 was posted on THE PROPERTY. On June 3, 2009, a Notice of Violation for  
28 violation of Riverside County Ordinance No. 541 was posted on THE PROPERTY. On December



22, 2008 and June 8, 2009, Notices of Violations were mailed to OWNER. On June 8, 2009, Notice of Violation was mailed to INTERESTED PARTIES by certified mail, return receipt requested.

8. On August 31, 2009, the "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled for November 17, 2009, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on September 1, 2009.

### **FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 15, 2009 finds and concludes that:

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at 17211 Covey Street, North Palm Springs, Riverside County, California, also identified as Assessor's Parcel Number 666-201-012 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the size and zoning of the parcel, no amount of outside storage is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

2. WHEREAS, THE OWNER, occupants or any person having possession or control of the premises should abate the condition by removal of all outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

### **ORDER TO ABATE NUISANCE**

IT IS THEREFORE ORDERED that the excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Anne Marie



1 Schwartz, or anyone having possession or control of THE PROPERTY, by removing all of the  
2 outside storage of materials and removing and disposing of all accumulated rubbish from the subject  
3 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
4 Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within  
5 ninety (90) days of the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
7 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
8 County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90)  
9 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
10 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
11 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
12 consent or a Court Order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
16 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
17 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
18 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
19 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
20 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
21 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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FORM APPROVED COUNTY COUNSEL

BY Julie A. Koons Jarvi DATE 1/23/10

owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: February 9, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

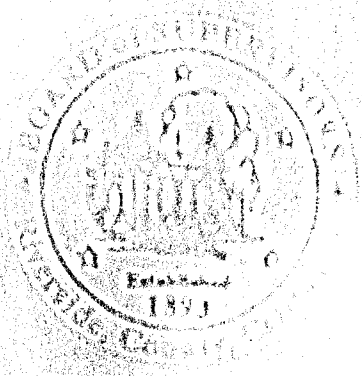
KECIA HARPER-IHEM

Clerk to the Board

By Samuel E. Blum

Deputy

(SEAL)



2010-0065342  
02/11/2010 08:08A  
5 of 6



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

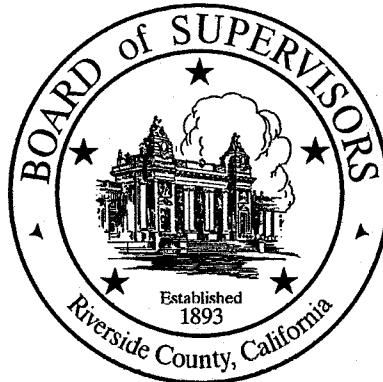
<http://riverside.asclrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

2-9-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board





# NOTICE LIST

Subject Property: 17211 Covey Street, North Palm Springs  
Case Nos.: CV 08-10056 & CV 09-03796; APN: 666-201-012; District 5

ANNE MARIE SCHWARTZ  
17211 COVEY ST.  
N. PALM SPRINGS, CA 92258

ANNE MARIE SCHWARTZ  
39846 CRICKET COVE  
PALM DESERT, CA 92211

ANNE MARIE SCHWARTZ, TRUSTEE  
ANNE MARIE SCHWARTZ LIVING TRUST  
39846 CRICKET COVE  
PALM DESERT, CA 92211

THE 17-211 COVEY ST. TRUST  
OVANDO MOURA VILLARREL, TRUSTEE  
17211 COVEY ST.  
N. PALM SPRINGS, CA 92258

THE SECURITY TRUST  
C/O SOUTHWESTERN SERVICES, INC.  
16285 AVENIDA RAMBLA  
DESERT HOT SPRINGS, CA 92240  
ATTN: HARVEY SCHWARTZ

MISSION SPRINGS WATER DISTRICT  
66575 SECOND ST.  
DESERT HOT SPRINGS, CA 92240

<b>1. Article Addressed to:</b>  MISSISSIPPI SPRINGS WATER DISTRICT 66575 SECOND ST. DESERT HOT SPRINGS, CA 92240 CV08-10056 * CV09-03796 * FOF * SCHWARTZ, 6	
<b>2. Article Number</b> (Number from service label) 7009 3410 0000 1318 0090	
<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes	
<b>5. Signature</b> Grace Pearson B. Received by (Printed Name) C. Date of Delivery USA 12/10/18 3/3/18 D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
<b>6. PS Form 3811, February 2004</b> Domestic Return Receipt	

# NOTICE LIST

Subject Property: 17211 Covey Street, North Palm Springs  
Case Nos.: CV 08-10056 & CV 09-03796; APN: 666-201-012; District 5

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANNE MARIE SCHWARTZ TRUSTEE  
ANNE MARIE SCHWARTZ LIVING TRUST  
39846 CRICKET COVE  
PALM DESERT, CA. 92211  
CV08-10056 \* CV09-03796 \* FOF \* SCHWARTZ 6

2. Article Number

(Transfer from service label)

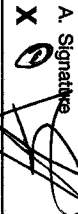
7009 3410 0000 1318 0106

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-44-1940

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature  ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Anne Marie Schwartz C. Date of Delivery 01/06
- D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes


## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANNE MARIE SCHWARTZ  
39846 CRICKET COVE  
PALM DESERT, CA. 92211  
CV08-10056 \* CV09-03796 \* FOF \* SCHWARTZ 6

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature  ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Anne Marie Schwartz C. Date of Delivery 01/06
- D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 3410 0000 1318 0113

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-44-1940

**PROOF OF SERVICE**

Case Nos. CV08-10056 & CV09-03796

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 2, 2010, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(see attached notice list)**

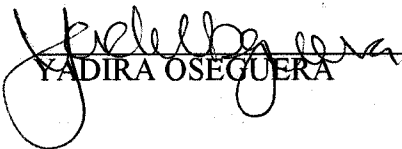
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 2, 2010, at Riverside, California.

  
YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

May 11, 2010

RE CASE NO: CV0903796

I, Hector Herrera, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 03/03/2010 at 11:30 am, I securely and conspicuously posted Finding of facts and order to abate nuisance at the property described as:

**Property Address:** 17211 COVEY ST, N PALM SPG

**Assessor's Parcel Number:** 666-201-012

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Hector Herrera  
By: Hector Herrera, Sr. Code Enforcement Officer

**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 4, 2010

RE CASE NO: CV0810056

I, Hector Herrera, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 03/03/2010 at 11:30 am, I securely and conspicuously posted Finding of Fact and order to abate nuisance at the property described as:

**Property Address:** 17211 COVEY ST, N PALM SPG

**Assessor's Parcel Number:** 666-201-012

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Hector Herrera  
By: Hector Herrera, Sr. Code Enforcement Officer