

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

80216



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 23, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV 08-07411 (FORERUNNER DEV GROUP, LLC)
Subject Property: 16465 Avenida Rambla, Desert Hot Springs; APN 657-182-020
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-07411 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. CV 08-07411 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. CV 08-07411.

Departmental Concurrence

[Handwritten Signature]

(Continued)

L. ALEXANDRA FONG, 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: *[Handwritten Signature]*
Jenifer L. Sargent

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: December 7, 2010
xc: Co.Co.(3); Recorder

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

Dep't Recomm.:
Per Exec. Ofc.:

2.6

Abatement of Public Nuisance
Case No. CV 08-07411; FORERUNNER DEV GROUP, LLC
16465 Avenida Rambla, Desert Hot Springs
Page 2

BACKGROUND:

On November 2, 2010, 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 structures (rough framed dwelling with attached garage and patio) and accumulated 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 Findings of Fact, Conclusions and Order to Abate.

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



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M	A	L	465	426	PCOR	NCOR	SMP	NCHG	EXAM
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4
5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-07411
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 657-182-)
13 020, 16465 AVENIDA RAMBLA, DESERT HOT) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; FORERUNNER DEVELOPMENT) ABATE NUISANCE
GROUP, LLC, OWNER.)
15 [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on November 2, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described 16465 Avenida Rambla, Desert Hot Springs, Riverside County, Assessor's Parcel
20 Number 657-182-020 and referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Forerunner Development Group, LLC ("OWNER").

2. Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to-wit: Chavez Property Management, Inc. ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on April 20, 2009, June 11, 2009, April 28, 2010, June 25, 2010, July 15, 2010, October 18, 2010 and October 28, 2010.

4. During each inspection, a substandard structure (rough framed dwelling with attached garage and patio) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: lack of required electrical lighting; lack of adequate heating facilities; dampness of habitable rooms; faulty weather protection; public and attractive nuisance – abandoned/vacant; expired permits.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: dry vegetation waste, household trash, appliances, furniture, broken glass, wood and plastics.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. A Notice of Noncompliance was recorded on May 20, 2009, as Document Number 2009-0255674 in the Office of the County Recorder, County of Riverside.

8. On April 20, 2009, a Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign were posted on THE PROPERTY. On April 28, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On May 11, 2009 and June 19, 2009, Notice of Violation for the substandard structure and Notice of Defects were mailed to OWNER and on June 3, 2009, were mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested. On May 7, 2010 and July 1, 2010, Notice of Violation for substandard structure and accumulated rubbish and Notice of Defects were mailed to OWNER and on May 7, 2010 were mailed to INTERESTED PARTY by certified mail, return receipt

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1 requested.

2 9. On October 13, 2010, a "Notice to Correct County Ordinance Violations and Abate
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
4 November 2, 2010, was mailed by certified mail, return receipt requested, to OWNER and
5 INTERESTED PARTY and was posted on THE PROPERTY on October 18, 2010.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on November 2, 2010, finds and concludes that:

9 1. WHEREAS, the substandard structure (rough framed dwelling with attached garage
10 and patio) and accumulation of rubbish on the real property located at 16465 Avenida Rambla, Desert
11 Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 657-182-020
12 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120)
13 and constitutes a public nuisance.

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

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

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

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ORDER TO ABATE NUISANCE

1
2 IT IS THEREFORE ORDERED that the substandard structure (rough framed dwelling with
3 attached garage and patio) on THE PROPERTY be abated by the OWNER, Forerunner Development
4 Group, LLC or anyone having possession or control of THE PROPERTY, by razing and removing
5 the substandard structure including the removal and disposal of all structural debris and materials, as
6 well as the contents therein, or by reconstruction and rehabilitation of said structure provided such
7 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
8 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days
9 of the posting and mailing of this Order to Abate Nuisance.

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

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

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
28 within ninety (90) days of the date of this Order to Abate Nuisance.

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1 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
4 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
5 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
6 owner's consent or a Court Order when necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
2 (90) days of the date of this Order to Abate Nuisance.

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4 Dated: December 7, 2010

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Karubguta
13 Deputy

14 (SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 11/22/10
DATE



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

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

<http://riverside.asrclrec.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:

12-7-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



PROOF OF SERVICE

Case No. CV08-07411

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on December 23, 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)**

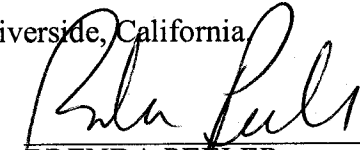
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 December 23, 2010, at Riverside, California



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

December 29, 2010

RE CASE NO: CV0807411

I, Lorena Diaz, **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 12/28/10 at 12:03 PM, I securely and conspicuously posted a notice of findings of fact, conclusions and order to abate nuisance. at the property described as:

Property Address: 16465 AVENIDA RAMBLA, DSRT HOT SPG

Assessor's Parcel Number: 657-182-020

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

Executed on December 29, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Lorena Diaz, Code Enforcement Officer III

NOTICE LIST

Subject Property: 16465 Avenida Rambla, Desert Hot Springs
Case No.: CV 08-07411 APN: 657-182-020; District 5


FORERUNNER DEVELOPMENT GROUP, LLC
C/O KEN WILSON
14152 CHRISTINE DR
WHITTIER, CA 90605

FORERUNNER DEVELOPMENT GROUP
C/O KEN WILSON
14360 EMORY DR
WHITTIER, CA 90605

CHAVEZ PROPERTY MANAGEMENT, INC.
C/O J & S PROPERTY MANAGEMENT
11455 PARAMOUNT BLVD.
DOWNEY, CA 90241


CHAVEZ PROPERTY MANAGEMENT, INC.
PO BOX 40076
DOWNEY, CA 90239

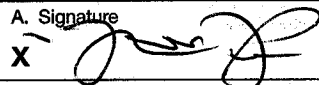
CHAVEZ PROPERTY MANAGEMENT, INC.
C/O ARNOLD B. SIEGEL
8635 E. FLORENCE AVE., STE. 202
DOWNEY, CA 90240

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">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.	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>12/28</u></p>
<p>1. Article Addressed to:</p> <p>FORERUNNER DEVELOPMENT GRP C/O KEN WILSON 14360 EMORY DR WHITTIER CA 90605</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p><u>CV08-07411 (Forerunner) FF 5</u></p>	<p>7010 1670 0001 7232 5266</p>

NOTICE LIST

Subject Property: 16465 Avenida Rambla, Desert Hot Springs
Case No.: CV 08-07411 APN: 657-182-020; District 5

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">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.	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) Maria Rivas	C. Date of Delivery 12/29/10
1. Article Addressed to: CHAVEZ PROPERTY MANAGEMENT INC C/O ARNOLD B SIEGEL 8635 E FLORENCE AVE STE 202 DOWNEY CA 90240	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) C/08-07411 (Foreclosure) FF 5	7010 1670 0001 7232 5297	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

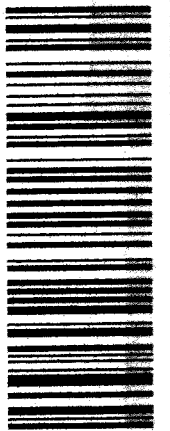
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) Richard Padilla	C. Date of Delivery
1. Article Addressed to: CHAVEZ PROPERTY MANAGEMENT INC PO BOX 40076 DOWNEY CA 90239	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) C/08-07411 (Foreclosure) FF 5	7010 1670 0001 7232 5280	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

NOTICE LIST

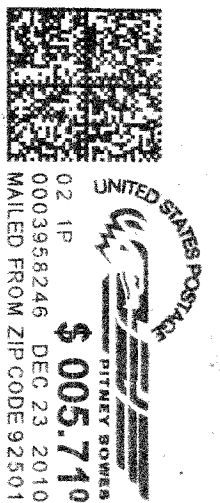
Subject Property: 16465 Avenida Rambla, Desert Hot Springs
Case No.: CV 08-07411 APN: 657-182-020; District 5

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL



7010 1670 0001 7232 5259



FORERUNNER DEVELOPMENT GRP LLC
C/O KEN WILSON
14152 CHRISTINE DR
WHITTIER CA

NIXIE 917 SE 1 00 12/31/10

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 92501384425 *0904-12092-23-09

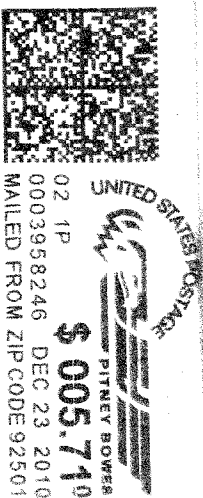
92501384425



3960 Orange Street, Suite 500
Riverside, CA 92501



7010 1670 0001 7232 5273



CHAVEZ PROPERTY MANAGEMENT INC
C/O J & S PROPERTY MANAGEMENT
11455 PARAMOUNT BLVD
DOWNEY CA

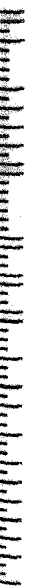
NIXIE 900 DE 1 00 12/29/10

RETURN TO SENDER
ATTEMPTED TO FORWARD
UNABLE TO FORWARD

BC: 92501384425 *1004-01577-23-41

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925013844



ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD