

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

908B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 26, 2014

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No.: CV13-02686 [FISHERI]
Subject Property: 16245 Avenida Manzana, Desert Hot Springs; APN: 657-094-020
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02686 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. CV13-02686; 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. CV13-02686.

BACKGROUND:

Summary

On February 25, 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)

PATRICIA MUNROE
Deputy 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

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 8, 2014
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Departmental Concurrence

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

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

DOC # 2014-0130929
04/10/2014

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

WHEN RECORDED PLEASE MAIL TO:
Michelle Cervantes, Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 13-02686
[SUBSTANDARD STRUCTURE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 657-094-020, 16245 AVENIDA MANZANA,)	CONCLUSIONS AND ORDER TO
DESERT HOT SPRINGS, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; DARYLL R. FISHER and)	
SUZANNE L. FISHER, OWNERS.)	R.C.O. Nos. 457, 541 and 725
)	
)	

The above-captioned matter came on regularly for hearing on February 25, 2014, 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 16245 Avenida Manzana, Desert Hot Springs, Riverside, Assessor's Parcel Number 657-094-020 and referred to hereinafter as "THE PROPERTY."

Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owners did not appear.

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.

COPY

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Daryll R. Fisher and Suzanne L. Fisher (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Accredited Home Lenders and MERS (hereinafter collectively referred to
6 as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 6, 2013,
8 September 25, 2013, November 7, 2013, January 15, 2014, and February 20, 2014.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE
10 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
11 contained numerous deficiencies, including but not limited to: faulty weather protection; general
12 dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: metal, wood, cut and dead vegetation, household trash,
15 and broken personal items in excess of 3,500 square feet.

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

18 7. A Notice of Pendency of Administrative Proceedings was recorded on September 3,
19 2013, as Document Number 2013-0430637 in the Office of the County Recorder, County of
20 Riverside.

21 8. On August 6, 2013 and September 25, 2013, Notices of Violation, Notices of Defects,
22 “Danger Do Not Enter” and “Do Not Dump” signs were posted on THE PROPERTY. On August 8,
23 2013 and September 26, 2013, Notices of Violation for the substandard structure and accumulation
24 of rubbish were mailed to OWNERS and INTERESTED PARTY, Accredited Home Lenders, by
25 certified mail, return receipt requested.

26 9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
27 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and
28 INTERESTED PARTIES and was posted on THE PROPERTY.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on February 25, 2014, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
5 real property located at 16245 Avenida Manzana, Desert Hot Springs, Riverside County, California,
6 also identified as Assessor's Parcel Number 657-094-020 violates Riverside County Ordinance Nos.
7 457 and 541 and constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNERS, Daryll R. Fisher and Suzanne L. Fisher, or anyone having
27 possession or control of THE PROPERTY, by razing and removing the substandard structure
28 including the removal and disposal of all structural debris and materials, as well as the contents

1 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
2 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
4 posting and mailing of this Order to Abate Nuisance.

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

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

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

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

1 consent or a Court Order when necessary under applicable law.

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

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

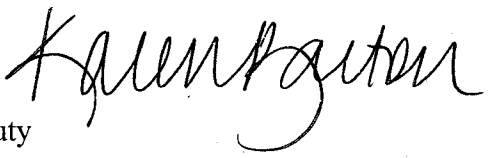
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Dated: April 8, 2014

COUNTY OF RIVERSIDE

By 
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By 
Deputy
(SEAL)



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

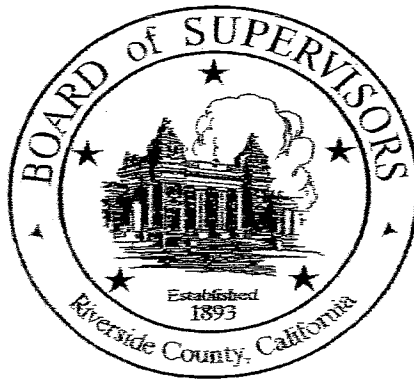
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrc&rec.com>

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:

4-8-14

Signature:

Karen Barton

Print Name:

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



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

AFFIDAVIT OF POSTING OF NOTICES

April 30, 2014

RE CASE NO: CV1302686

I, Rusty Hannah, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
77588 El Duna Court
Palm Desert, California 92211
Mail Stop #4016.

That on 4/30/14 at 10:00 am, I securely and conspicuously posted the Finding of Facts, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 16245 AVENIDA MANZANA, DSRT HOT SPG

Assessor's Parcel Number: 657-094-020

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

Executed on April 30, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Rusty Hannah, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV13-02686 Fisher

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on April 30, 2014, 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 FIRST CLASS MAIL.** 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 April 30, 2014, at Riverside, California.



STACY BAMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 16245 Avenida Manzana, Desert Hot Springs; Case No.: CV13-02686
APN: 657-094-020; District 4/4 Fisher

DARYLL R. FISHER
SUZANNE L. FISHER
5521 CEDER CREEK WAY
CITRUS HEIGHTS, CA 95610

ACCREDITED HOME LENDERS
9915 MIRA MESA BLVD. STE 100
SAN DIEGO, CA 92131

MORTGAGE ELECTRONIC REGISTRATION
SYSTEM, INC.
P.O. BOX 2026
FLINT, MI 48501-2026