

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

1058



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
April 9, 2014

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No. : CV12-05107 [FABELA]  
Subject Property: 31861 Date Garden Drive, Thousand Palms; APN: 650-102-015  
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. CV12-05107 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. CV12-05107; 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. CV12-05107.

**BACKGROUND:**

**Summary**

On March 18, 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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
Tina Grande  
County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Ayes:** Jeffries, Tavaglione, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** April 22, 2014  
**xc:** TLMA/Co. Co. Code Enforc., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

Prev. Agn. Ref.: 03/18/14; 9.1 | District: 4/4 | Agenda Number:

**2-12**

Departmental Concurrence

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

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

Case No. : CV12-05107 [FABELA]

Subject Property: 31861 Date Garden Drive, Thousand Palms; APN: 650-102-015

District: 4/4 [\$0.00]

**DATE:** April 9, 2014

**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)

**DOC # 2014-0150649**  
04/25/2014

**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

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

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NO. CV 12-05107
12	[SUBSTANDARD STRUCTURE AND	)	
	ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
13	APN 650-102-015, 31861 DATE GARDEN	)	CONCLUSIONS AND ORDER TO
	DRIVE, THOUSAND PALMS, RIVERSIDE	)	ABATE NUISANCE
14	COUNTY, CALIFORNIA; JUAN M. FABELA	)	
	AND NORMA A. FABELA,	)	R.C.O. Nos. 457, 541 and 725
15		)	
	<b>OWNERS.</b>	)	

17 The above-captioned matter came on regularly for hearing on March 18, 2014, before the  
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 31861 Date Garden Drive, Thousand Palms, Riverside, Assessor's Parcel  
21 Number 650-102-015 and referred to hereinafter as "THE PROPERTY."

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

24 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE  
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public  
28 nuisance.

**COPY**

**SUMMARY OF EVIDENCE**

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1. Documents of record in the Riverside County Recorder’s Office identify the owners of THE PROPERTY as Juan M. Fabela and Norma A. Fabela (“OWNERS”).

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Western Capital Mortgage and Mortgage Electronic Registration System (MERS) (hereinafter collectively referred to as “INTERESTED PARTIES”).

3. THE PROPERTY was inspected by Code Enforcement Officers on August 16, 2013, September 11, 2013, and November 4, 2013.

4. During each inspection, a substandard structure (dwelling) 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: faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: household trash, clothing, and human waste.

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

7. A Notice of Pendency of Administrative Proceedings was recorded on October 18, 2012, as Document Number 2012-0499063 in the Office of the County Recorder, County of Riverside.

8. On August 16, 2013, a Notice of Violation, Notice of Defects, a “Danger Do Not Enter” and a “Do Not Dump” sign were posted on THE PROPERTY. On August 19, 2013, a Notice of Violation was mailed to OWNERS and INTERESTED PARTIES by certified mail with return receipt requested. On August 19, 2013 and September 9, 2013, a Notice of Violation and Notice of Defects was mailed to OWNERS and INTERESTED PARTIES by first class mail.

9. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and 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 March 19, 2014, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
5 real property located at 31861 Date Garden Drive, Thousand Palms, Riverside County, California,  
6 also identified as Assessor's Parcel Number 650-102-015 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, Juan M. Fabela and Norma A. Fabela, 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 22, 2014

COUNTY OF RIVERSIDE

By Jeff Stone  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

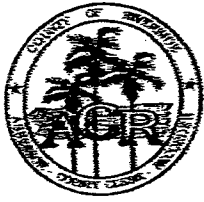
Clerk to the Board

By Karen Dayton

Deputy

(SEAL)





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

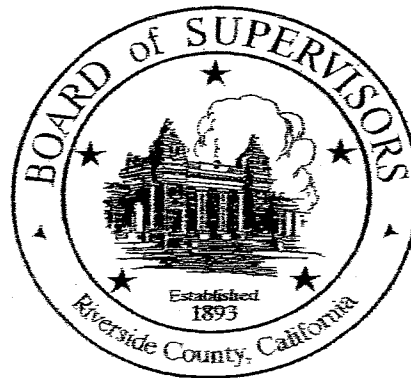
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrcrkrec.com>

**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:

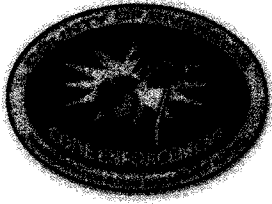
4-22-14

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**

May 8, 2014

RE CASE NO: CV1205107

I, Hector Herrera, 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 05/08/2014 at 8:20 am, I securely and conspicuously posted Finding of facts, notice list and proof of service at the property described as:


**Property Address:** 31861 DATE GARDEN DR, THOUSAND PLMS

**Assessor's Parcel Number:** 650-102-015

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

Executed on May 8, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Hector Herrera, Sr. Code Enforcement Officer

*Handwritten initials*

**PROOF OF SERVICE**  
Case No. CV12-05107 Fabela

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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, 12<sup>th</sup> Floor, Riverside, California 92501.

That on May 6, 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 May 6, 2014, at Riverside, California.

  
\_\_\_\_\_  
STACY BAUMGARTNER  
CODE ENFORCEMENT OFFICER III

## NOTICE LIST

Subject Property: 31861 Date Garden Drive, Thousand Palms;

Case No.: CV12-05107 Fabela

APN: 650-102-015; District 4/4/

**JUAN M. FABELA  
NORMA A. FABELA  
31861 DATE GARDEN DRIVE  
THOUSAND PALMS, CA 92276**

**WESTERN CAPITAL MORTGAGE  
500 N. STATE COLLEGE BLVD. 1470  
ORANGE, CA 92868**

**MERS  
P.O. BOX 2026  
FLINT, MI. 48501-2026**