

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

108B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 9, 2014

SUBJECT: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]
Case No. CV13-03076 [SCHWENN]
Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley
APN: 741-090-008
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03076;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03076; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-03076.

BACKGROUND:

Summary

On March 25, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative
(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 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

Prev. Agn. Ref.: 03/25/14; 9.2 | **District:** 4/4 | **Agenda Number:**

2-13

Departmental Concurrence

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]**

Case No. CV13-03076 [SCHWENN]

Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley

APN: 741-090-008

District: 4/4 [\$0.00]

DATE: April 9, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

DOC # 2014-0150650
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

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

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-03076
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
13 APN 741-090-008, VACANT LOT ON) CONCLUSIONS AND ORDER TO
THOUSAND PALMS CANYON ROAD, SKY) ABATE NUISANCE
14 VALLEY, RIVERSIDE COUNTY, CALIFORNIA;)
15 MARY BERNADETTE SCHWENN, OWNER.) R.C.O. Nos. 348, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on March 25, 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 Vacant Lot on Thousand Palms Canyon Road, Sky Valley, Riverside County,
21 Assessor's Parcel Number 741-090-008 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, and Hector
24 Herrera, the enforcing Code Enforcement Officer as a witness.

25 Owner appeared and addressed the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Mary Bernadette Schwenn (“OWNER”).

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 25, 2013,
7 September 3, 2013, September 26, 2013, October 1, 2013, October 29, 2013, November 7, 2013,
8 December 24, 2013, and January 23, 2014.

9 4. During each inspection an accumulation of rubbish and excess outside storage was
10 observed throughout THE PROPERTY consisting of but not limited to: metal, wood, discarded
11 carton bags, household trash, furniture, a tent, bags of dog food and mattresses.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 Nos. 348 and 541 by the Code Enforcement Officer.

14 6. On October 3, 2013 and November 6, 2013, Notices of Pendency of Administrative
15 Proceedings were recorded at the Riverside County Recorder’s Office as instrument numbers 2013-
16 0478509 and 2013-0528766.

17 7. On July 25, 2013, a Notice of Violation was posted on THE PROPERTY. On
18 September 30, 2013 and December 18, 2013, a Notice of Violation was mailed to OWNER by first
19 class mail. On December 18, 2013, a Notice of Violation was mailed to OWNER by certified mail
20 with return receipt requested.

21 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
22 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and
23 was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

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

27 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
28 on the real property located at Vacant Lot on Thousand Palms Canyon Road, Sky Valley, Riverside

1 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
2 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

3

4 Dated: April 22, 2014

COUNTY OF RIVERSIDE

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By 
Jeff Stone
Chairman, Board of Supervisors

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ATTEST:

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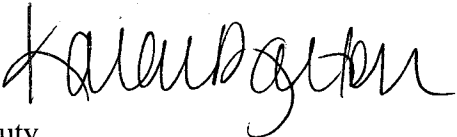
KECIA HARPER-IHEM

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Clerk to the Board

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By 

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Deputy

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(SEAL)

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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

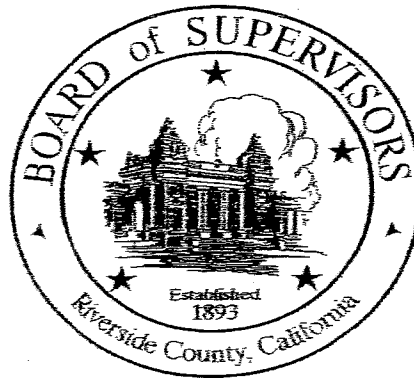
<http://riverside.asrcikrec.com>

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:

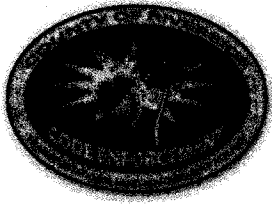
4-22-14

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: CV1303076

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 9:30 am, I securely and conspicuously posted Finding of fact, notice list and proof of service at the property described as:

Property Address: Thousand Palms Canyon Rd, SKY VALLEY

Assessor's Parcel Number: 741-090-008

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

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

Schidling

PROOF OF SERVICE
Case No. CV13-03076 Schwenn

Originals filed with the Clerk of the Board: Agenda No. 8.13 of 4/22/14: on the Consent calendar.

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 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

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Schwenn

NOTICE LIST

**Subject Property: Vacant Lot on Thousand Palms Canyon Road, Sky Valley;
Case No.: CV13-03076 Schwenn
APN: 741-090-008; District 4/4**

**MARY BERNADETTE SCHWENN, TRUSTEE
P.O. BOX 544
PIONEER TOWN, CA 92268**

**MARY BERNADETTE SCHWEEN, TRUSTEE
GENERAL DELIVERY
THOUSAND PALMS, CA 92274**