

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

605B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV13-02617 [RDR SPRINGS, LLC]
Subject Property: 73562 Armand Way, Thousand Palms; APN 694-071-014
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. CV13-02617;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02617; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02617.

BACKGROUND:

Summary

On May 6, 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) located on the subject property to be a public nuisance. The Board ordered the property owner

(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

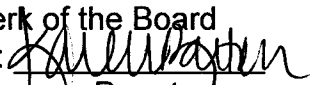
BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Stone, and Ashley
Nays: None
Absent: Tavaglione and Benoit
Date: June 3, 2014
xc: Co:Co/TLMA-Code Enforcement., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 05/06/14; 9.4 | District: 4/4 | Agenda Number:

2-17

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 [Substandard Structure]

Case No. CV13-02617 [RDR SPRINGS, LLC]

Subject Property: 73562 Armand Way, Thousand Palms; APN: 694-071-014

District: 4/4 [\$0.00]

DATE: May 15, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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 # 2014-0204691
06/04/2014

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 13-02617
12 [SUBSTANDARD STRUCTURE];)
13 APN 694-071-014, 73562 ARMAND WAY,) FINDINGS OF FACT,
14 THOUSAND PALMS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; RDR SPRINGS, LLC, OWNER.) ABATE NUISANCE
) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on May 6, 2014, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 73562 Armand Way, Thousand Palms, Riverside County, Assessor's Parcel Number
20 694-071-014 and referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of
3 THE PROPERTY as RDR Springs, LLC (“OWNER”).

4 2. Documents of title indicate that other parties potentially may hold a legal interest in
5 THE PROPERTY, to-wit: Sterling Bank and Trust, Shenandoah Springs Development Company,
6 Inc., Shenandoah Springs , LLC, Palm Desert National Bank, Federal Deposit Insurance Corporation,
7 Sterling Bank and Trust, FSB, and Fidelity National Title Company (hereinafter collectively referred
8 to as “INTERESTED PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 19, 2013,
10 July 19, 2013, July 24, 2013, October 30, 2013, and January 2, 2014.

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

15 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
16 No. 457 by the Code Enforcement Officer.

17 6. A Notice of Pendency of Administrative Proceedings was recorded on July 22, 2013,
18 as Document Number 2013-0351076 in the Office of the County Recorder, County of Riverside.

19 7. On June 19, 2013, Notice of Violation, Notice of Defects and a “Danger Do Not
20 Enter” sign were posted on THE PROPERTY. On July 24, 2013, a Notice of Violation was posted
21 on THE PROPERTY. On July 15, 2013, August 15, 2013, and January 30, 2014, Notices of
22 Violation and Notice of Defects for the substandard structure were mailed to OWNER and
23 INTERESTED PARTIES by certified mail with return receipt requested.

24 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
25 providing notice of the public hearing before the Board of Supervisors on May 6, 2014, was mailed
26 to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on May 6, 2014, finds and concludes that:

2 1. WHEREAS, the substandard structure (dwelling) on the real property located at
3 73562 Armand Way, Thousand Palms, Riverside County, California, also identified as Assessor's
4 Parcel Number 694-071-014 violates RCO No. 457 and constitutes a public nuisance.

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

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
18 PROPERTY be abated by the OWNER, RDR Springs, LLC, or anyone having possession or control
19 of THE PROPERTY, by razing and removing the substandard structure including the removal and
20 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
21 and rehabilitation of said structure provided such reconstruction and rehabilitation can be
22 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
23 RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
26 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
27 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural
28 debris and materials, may be abated by representatives of the Riverside County Code Enforcement

1 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
2 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

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

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1 Department will be recoverable from the OWNER 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: June 3, 2014

COUNTY OF RIVERSIDE

By Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kecia Harper-Ihem
Deputy
(SEAL)



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

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

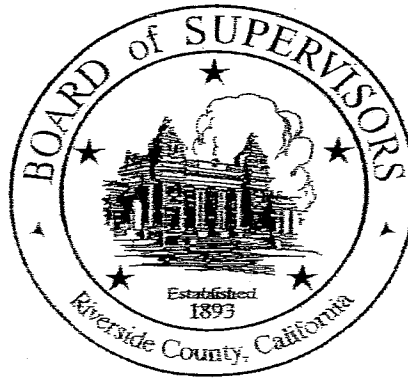
<http://riverside.asrc1krec.com>

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:

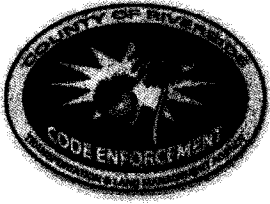
6-3-14

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

June 18, 2014

RE CASE NO: CV1302617

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 06/18/2014 at 8:25 am, I securely and conspicuously posted Finding of facts at the property described as:

Property Address: 73562 ARMAND WAY, THOUSAND PLMS

Assessor's Parcel Number: 694-071-014

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

Executed on June 18, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

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

RHR

RECEIVED JUN 20 2014

PROOF OF SERVICE

Case No. CV13-02617 RDR

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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 June 20, 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 June 20, 2014, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: 73562 Armand Way, Thousand Palms; Case No.: CV13-02617
APN: 694-071-014; District 4/4 RDR

RDR SPRINGS, LLC
C/O DAVID BRUDVIK
7266 EDINGER AVE.
HUNTINGTON BEACH, CA 92647

RDR SPRINGS, LLC
52050 INDUSTRIAL WAY
COACHELLA, CA 92236

SHENANDOAH SPRINGS, LLC
7266 EDINGER AVE SUITE L
HUNTINGTON BEACH, CA 91647

STERLING BANK AND TRUST, FSB
ATTN: MATT HOOKS, TITLE OFFICER
ONE TOWNE SQUARE, 17TH FLOOR
SOUTHFIELD, MI 48076

FIDELITY NATIONAL TITLE COMPANY
135 MAIN STREET, SUITE 1900
SAN FRANCISCO, CA 94105

PALM DESERT NATIONAL BANK
73-745 EL PASO
PALM DESERT, CA 92260

FDIC AS RECEIVER FOR
PALM DESERT NATIOANL BANK
ATTN: CLAIMS AGENT
1601 BRYAN STREET
DALLAS, TX 75201

SBEMP, LLC
ATTN: BRENT CLEMMER ESQ.
1800 E. TAHQUITZ CANYON WAY
PALM SPRINGS, CA 92262