

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

604B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV13-02618 [RDR SPRINGS, LLC]
Subject Property: 73576 Armand Way, Thousand Palms; APN: 694-071-015
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. CV13-02618 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. CV13-02618; 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. CV13-02618.

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) 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:

County Executive Office Signature

Tina Grande

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; 9.5 | District: 4/4 | Agenda Number:

2-18

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 & Accumulated Rubbish]

Case No. : CV13-02618 [RDR SPRINGS, LLC] ,

Subject Property: 73576 Armand Way, Thousand Palms; APN: 694-071-015

District: 4/4 [\$0.00]

DATE: May 15, 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 # 2014-0206543
06/05/2014

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]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-02618
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 694-071-015, 73576 ARMAND WAY,) CONCLUSIONS AND ORDER TO
THOUSAND PALMS, RIVERSIDE COUNTY,) ABATE NUISANCE
15 CALIFORNIA; RDR SPRINGS, LLC,)
OWNER.) R.C.O. Nos. 457, 541 and 725

16
17 The above-captioned matter came on regularly for hearing on May 6, 2014, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 73576 Armand Way, Thousand Palms, Riverside County, Assessor's Parcel Number
21 694-071-015 and referred to hereinafter as "THE PROPERTY."

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

24 Owner 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.

SUMMARY OF EVIDENCE

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

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Shenandoah Springs Development Company, Inc., Shenandoah Springs, LLC, Palm Desert National Bank, Federal Deposit Insurance Corporation, and Sterling Bank and Trust FSB, ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on June 19, 2013, July 19, 2013, July 24, 2013, September 18, 2013, and January 2, 2014.

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: hazardous plumbing; hazardous wiring; 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: wood and dry vegetation in excess of 100 square feet.

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 July 22, 2013, as Document Number 2013-0351075 in the Office of the County Recorder, County of Riverside.

8. On June 19, 2013, Notice of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On July 19, 2013, July 24, 2013, and September 18, 2013, Notice of Violation was posted on THE PROPERTY. On July 15, 2013 and August 15, 2013, Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by certified mail with return receipt requested and on January 30, 2014, a Notice of Violation was mailed to INTERESTED PARTY 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 OWNER and

1 INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on May 6, 2014, finds and concludes that:

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
6 real property located at 73576 Armand Way, Thousand Palms, Riverside County, California, also
7 identified as Assessor's Parcel Number 694-071-015 violates Riverside County Ordinance Nos. 457
8 and 541 and constitutes a public nuisance.

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

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

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
27 PROPERTY be abated by the OWNER, RDR Springs, LLC, or anyone having possession or control
28 of THE PROPERTY, by razing and removing the substandard structure including the removal and

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

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

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

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

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

1 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or
10 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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4 Dated: June 3, 2014

COUNTY OF RIVERSIDE

5
6 By Jeff Stone
7 ~~Jeff Stone~~
Chairman, Board of Supervisors

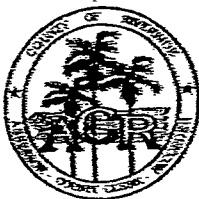
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Kalen Bayten
13 Deputy

14 (SEAL)



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

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

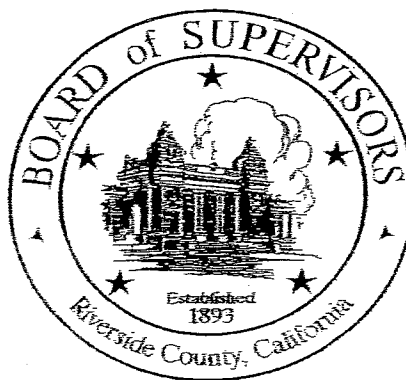
<http://riverside.asrcfrec.com>

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:

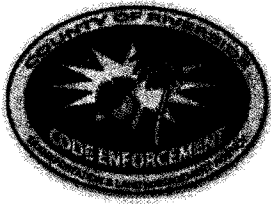
6-3-14

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: CV1302618

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 8:40 am, I securely and conspicuously posted Finding of facts at the property described as:

Property Address: 73576 ARMAND WAY, THOUSAND PLMS

Assessor's Parcel Number: 694-071-015

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

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

REL

RECEIVED JUN 20 2004

PROOF OF SERVICE

Case No. CV13-02618 RDR

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: 73576 Armand Way, Thousand Palms; Case No.: CV13-02618
APN: 694-071-015; District 5/5-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 NATIONL 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