

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

603 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structure]
Case No. CV13-02621 [CALHOUN]
Subject Property: 73590 Armand Way, Thousand Palms; APN 694-071-016
District: 4/4 [\$0.00]

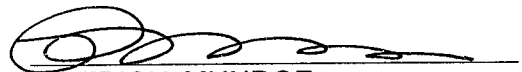
- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02621;
 2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02621; and
 3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02621.

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

Departmental Concurrence

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	\$	\$	\$	\$	

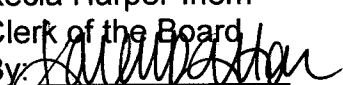
SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

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. Counsel/TLMA Code Enforcement., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

Prev. Agn. Ref.: 05/06/14; 9.6 | District: 4/4 | Agenda Number:

2-19

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structure]

Case No. CV13-02621 [CALHOUN]

Subject Property: 73590 Armand Way, Thousand Palms; APN: 694-071-016

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)

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
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-02621
14 [SUBSTANDARD STRUCTURE];)
15 APN 694-071-016, 73590 ARMAND WAY,) FINDINGS OF FACT,
16 THOUSAND PALMS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
17 CALIFORNIA; MICHAEL A. CALHOUN AND) ABATE NUISANCE
18 PATRICIA JO CALHOUN, OWNERS.)
19) [R.C.O. Nos. 457 and 725]
20)

21 The above-captioned matter came on regularly for hearing on May 6, 2014, before the Board
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
24 described as 73590 Armand Way, Thousand Palms, Riverside County, Assessor's Parcel Number
25 694-071-016 and referred to hereinafter as "THE PROPERTY."

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

28 Owners did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
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 owners
3 of THE PROPERTY as Michael A. Calhoun and Patricia Jo Calhoun (“OWNERS”).

4 2. Documents of title indicate that other parties potentially may hold a legal interest in
5 THE PROPERTY, to-wit: Shenandoah Springs, LLC, Shenandoan Development Company, Inc.,
6 RDR Springs, LLC, Fidelity National Title Company, State of California Franchise Tax Board and
7 Internal Revenue Service (hereinafter collectively referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 19, 2013,
9 July 19, 2013, July 24, 2013, September 4, 2013, September 11, 2013, October 31, 2013, and
10 January 29, 2014.

11 4. During each inspection, a substandard structure (dwelling) was observed on THE
12 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,
13 including but not limited to: hazardous plumbing; hazardous wiring; faulty weather protection;
14 general dilapidation or improper 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 2013-0351072 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 15, 2013 and September 9, 2013, Notices of
21 Violation and Notice of Defects for the substandard structure were mailed to OWNERS and
22 INTERESTED PARTIES by certified mail with return receipt requested.

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

26 **FINDINGS AND CONCLUSIONS**

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

1 1. WHEREAS, the substandard structure (dwelling) on the real property located at
2 73590 Armand Way, Thousand Palms, Riverside County, California, also identified as Assessor's
3 Parcel Number 694-071-016 violates RCO No. 457 and constitutes a public nuisance.

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
17 PROPERTY be abated by the OWNERS, Michael A. Calhoun and Patricia Jo Calhoun, or anyone
18 having possession or control of THE PROPERTY, by razing and removing the substandard structure
19 including the removal and disposal of all structural debris and materials, as well as the contents
20 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
21 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
22 including but not limited to RCO No. 457 within ninety (90) days of the posting and mailing of this
23 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 OWNERS are 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 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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4 Dated: June 3, 2014

COUNTY OF RIVERSIDE

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By Jeff Stone
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 Karen Payton

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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

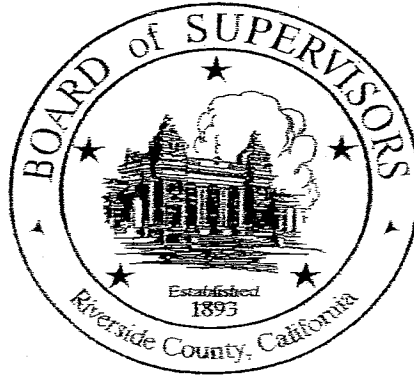
<http://riverside.asclkrec.com>

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: CV1302621

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 9:00 am, I securely and conspicuously posted Finding of facts at the property described as:

Property Address: 73590 ARMAND WAY, THOUSAND PLMS

Assessor's Parcel Number: 694-071-016

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

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

RECEIVED JUN 20 2014

PROOF OF SERVICE
Case No. CV13-02621 CALHOUN

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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: 73590 Armand Way, Thousand Palms; Case No.: CV13-02621
APN: 694-071-016; District 4/4 calhoun

**MICHAEL A. CALHOUN
PATRICIA JO CALHOUN
P.O BOX 2653
APTOS, CA 95001**

**MICHAEL A. CAHOUN
PATRICIA JO CALHOUN
99 PASEO DRIVE
WATSONVILLE, CA 95076**

**RDR SPRINGS, LLC.
52050 INDUSTRIAL WAY
COACHELLA, CA 92236**

**SHENANDOAH SPRINGS, LLC.
7266 EDINGER AVE. SUITE L
HUNTINGTON BEACH, CA 92647**

**SHENANDOAN DEVELOPMENT COMPANY,
INC
7266 EDINGER AVE., SUITE L
HUNTINGTON BEACH, CA 92647**

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

**STERLING BANK AND TRUST, FSB
ONE TOWNE SQUARE, 17TH FLOOR
SOUTHFIELD, MI 48076**

**STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
P.O. BOX 2952
SACRAMENTO, CA 925812**

**INTERNAL REVENUE SECTION
P.O. BOX 145585 STOP 8420G
CINCINNATI, OH 45250-5585**