

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

608 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 15, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV11-05186 [GAONA]
Subject Property: 17313 Keith Street, North Palm Springs; APN: 666-213-018
District: 5/5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

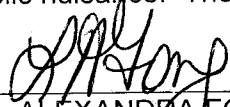
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05186 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV11-05186; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05186.

BACKGROUND:

Summary

On April 8, 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)

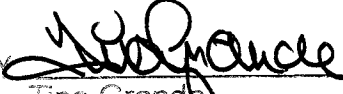

L. ALEXANDRA FONG
Deputy County Counsel

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

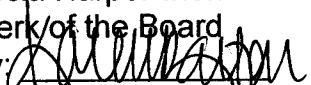
BY 
Tina Grande

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

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 Structures & Accumulated Rubbish]

Case No. : CV11-05186 [GAONA]

Subject Property: 17313 Keith Street, North Palm Springs; APN: 666-213-018

District: 5/5 [\$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 # 2014-0206545
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]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 11-05186
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 666-213-018, 17313 KEITH STREET,) CONCLUSIONS AND ORDER TO
NORTH PALM SPRINGS, RIVERSIDE) ABATE NUISANCE
15 COUNTY, CALIFORNIA; VINCENT B. GAONA,)
OWNER.) R.C.O. Nos. 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on April 8, 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 17313 Keith Street, North Palm Springs, Riverside County, Assessor's Parcel Number
21 666-213-018 and referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Code
23 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.

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 Vincent B. Gaona ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Maximino Salatel Patino, State of California Franchise Tax Board, Chase
6 Bank, USA, N.A., and California Reconveyance Company.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 5, 2012,
8 and on approximately eight (8) other occasions, the last being April 1, 2014.

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

13 5. During each inspection an accumulation of rubbish was observed throughout THE
14 PROPERTY consisting of but not limited to: household trash, discarded furniture and miscellaneous
15 items in excess of 900 square feet.

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

18 7. A Notice of Pendency of Administrative Proceedings was recorded on June 25, 2012,
19 as Document Number 2012-0290436 in the Office of the County Recorder, County of Riverside.

20 8. On March 5, 2012, Notice of Violation, Notice of Defects, a "Danger Do Not Enter"
21 and a "Do Not Dump" sign were posted on THE PROPERTY. On June 14, 2013 and July 23, 2013,
22 Notices of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES
23 by certified mail with return receipt requested.

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

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on April 8, 2014, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
5 real property located at 17313 Keith Street, North Palm Springs, Riverside County, California, also
6 identified as Assessor's Parcel Number 666-213-018 violates Riverside County Ordinance Nos. 457
7 and 541 and constitutes a public nuisance.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
25 PROPERTY be abated by the OWNER, Vincent B. Gaona, or anyone having possession or control
26 of THE PROPERTY, by razing and removing the substandard structure including the removal and
27 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
28 and rehabilitation of said structure provided such reconstruction and rehabilitation can be

1 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
2 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
3 to Abate Nuisance.

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

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

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

23 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
24 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
25 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
26 accumulation of rubbish may be abated by representatives of the Riverside County Code
27 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
28 consent or a Court Order when necessary under applicable law.

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

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By Kaunapayan
13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 5/9/14

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

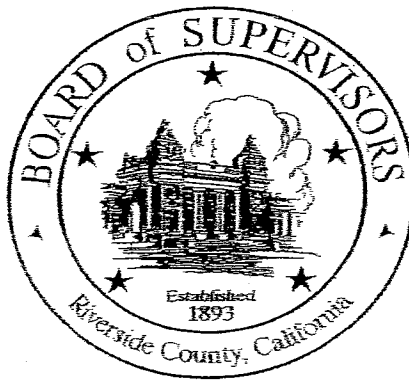
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 436-7000
<http://riverside.asrcrkrec.com>

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:

6-3-14

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

Greg Flannery
Code
Enforcement
Official

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV11-05186

I, David Jurden, hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
581 S. Grand Avenue
San Jacinto, CA 92582

2. That on **June 19, 2014 at 0930 AM**, I securely and conspicuously posted **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE** at the property described as:

Property Address: 17313 Keith Street, North Palm Springs

Assessor's Parcel Number: 666-213-018

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

Executed on **June 19, 2014** at San Jacinto, California.

CODE ENFORCEMENT DEPARTMENT

By: 

David Jurden, Code Enforcement Technician

Handwritten mark

PROOF OF SERVICE
Case No. CV11-05186 GAONA

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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: 17313 Keith Street, North Palm Springs; Case No.: CV11-05186
APN: 666-213-018; District 5/5 GAONA

VINCENT B. GAONA
C/O MAXIMINO SALATEL PATINO
P.O. BOX 580956
PALM SPRINGS, CA 92258

VINCENT BORBOA GAONA
13730 TRAMVIEW RD.
DESERT HOT SPRINGS, CA 92240

CALIFORNIA RECONVEYANCE COMPANY
9200 OAKDALE AVENUE
MAIL STOP CA2-4379
CHATWORTH, CA 91311

J P MORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO RD.
SAN DIEGO, CA 92127

DEUTSCHE BANK
2007-CH4 60 WALL STREET
NEW YORK, NEW YORK 10005

CHASE BANK USA, N.A.
ATTN: DOCUMENT CONTROL
10790 RANCHO BERNARDO ROAD
SAN DIEGO, CA 92127

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
P.O. BOX 2952
SACRAMENTO, CA 95812-2952

MAXIMINO SALATEL PATINO
P.O. BOX 580956
PALM SPRINGS, CA 92258