

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

405B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
11/18/2014

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV12-01582 [SCHMIDT]
Subject Property: 19099 Driscoll Road, Desert Hot Springs; APN: 645-250-004
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. CV12-01582 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. CV12-01582; 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. CV12-01582.

BACKGROUND:

Summary

On October 7, 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)

GREGORY P. PRIAMOS
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 Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: None
Date: December 2, 2014
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 10/07/14; 9.3 District: 4/4 Agenda Number:

2-6

Departmental Concurrence

☐ Positions Added

☐ Change Order

☐ A-30

☐ 4/5 Vote

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

Case No. : CV12-01582 [SCHMIDT]

Subject Property: 19099 Driscoll Road, Desert Hot Springs; APN: 645-250-004

District: 4/4 [\$0.00]

DATE: 11/18/2014

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 # 2014-0466663
12/08/2014

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, Senior 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 12-01582
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH];)
13 APN 645-250-004, 19099 DRISCOLL ROAD,) FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; SANDRA D. SCHMIDT,) ABATE NUISANCE
OWNER.)
15) R.C.O. Nos. 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on October 7, 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 as 19099 Driscoll Road, Desert Hot Springs, Riverside, Assessor's Parcel
21 Number 645-250-004 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior 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

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Sandra D. Schmidt ("OWNER").

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Internal Revenue Service (hereinafter referred to as "INTERESTED PARTY"). OWNER is deceased and property taxes are being paid by Julie Schmidt and Mark Schmidt (hereinafter collectively referred to as "SCHMIDT INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on March 12, 2012, and on seventeen (17) other occasions, the last being October 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: 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: metal, plastic, wood, construction materials, furniture, appliances, and approximately five (5) tires in excess of 1,750 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 May 17, 2012, as Document Number 2012-0229234 in the Office of the County Recorder, County of Riverside.

8. On March 12, 2012, Notice of Violation, Notice of Defects, a "Danger Do Not Enter" sign were posted on THE PROPERTY. On March 13, 2012, Notice of Violation and Notice of Defects was mailed to OWNER by certified mail with return receipt requested. On April 25, 2014, a Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTY by first class mail. On June 4, 2014 and July 10, 2014, a Notice of Violation and Notice of Defects were mailed to OWNER and SCHMIDT INTERESTED PARTIES 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 PARTY by first class mail 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 October 7, 2014, finds and concludes that:

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
6 real property located at 19099 Driscoll Road, Desert Hot Springs, Riverside County, California, also
7 identified as Assessor's Parcel Number 645-250-004 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 structure conditions by razing, removing and disposing
11 of the substandard structure, including the removal and disposal of all structural debris and
12 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that
13 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
14 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
15 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, INTERESTED PARTIES, AND SCHMIDT
21 INTERESTED PARTIES ARE HEREBY FURTHER NOTICED that the time within which judicial
22 review of the administrative determinations made herein must be sought is ninety (90) days from the
23 posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is
24 governed by California Code of 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, Sandra D. Schmidt, 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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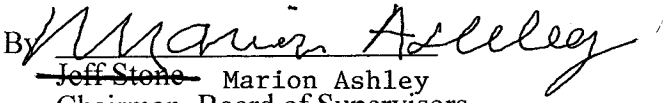
27 ///

28 ///

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.

3
4 Dated: December 2, 2014

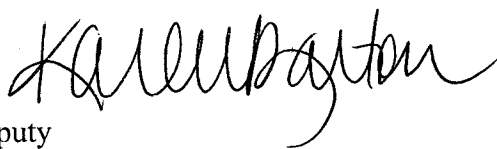
COUNTY OF RIVERSIDE

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

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By 
13 Deputy
14 (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.asrc-rec.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:

12-2-14

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

January 7, 2015

RE CASE NO: CV1201582

I, Rusty Hannah, 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 1/7/15 at 9:30 am, I securely and conspicuously posted the Finding of Facts, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 19099 DRISCOLL RD, DSRT HOT SPG

Assessor's Parcel Number: 645-250-004

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

Executed on January 7, 2015 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Rusty Hannah, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV12-01582 schmidt

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 January 6, 2015, 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)**

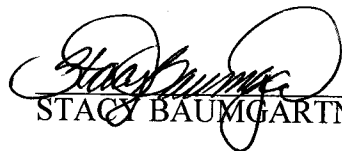
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 January 6, 2015, at Riverside, California.


STACY BAUMGARTNER

NOTICE LIST

Subject Property: 19099 Driscoll Road., Desert Hot Springs;
Case No.: CV12-01582
APN: 645-250-004; District 4/4

SANDRA D. SCHMIDT
19099 DRISCOLL ROAD
DESERT HOT SPRINGS

SANDRA D. SCHMIDT
675 STANWOOD AVE.
POMONA, CA 91767

JULIE SCHMIDT
SANDRA D. SCHMIDT
675 STANWOOD AVE.,
POMONA, CA 91767

MARK SCHMIDT
2600NE MINNEHAHA #132
VANCOUVER, WA 98665

MONTESSORI SCHOOL
ATTN: JULIE SCHMIDT
7135 HAVEN AVE
RANCHO CUCAMONGA, CA 91701

MARK SCHMIDT
2600 NE MINNEHAHA #97
VANCOUVER, WA 98665

INTERNAL REVENUE SERVICE
300 N. LOS ANGELES STREET
MAIL STOP 5027
LOS ANGELES, CA 90012

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