

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

716 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 5, 2015

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No.: CV10-03752 [VILLAREAL]
Subject Property: 17379 Sanborn Street, North Palm Springs; APN: 666-212-012
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-03752 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. CV10-03752; 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. CV10-03752.

BACKGROUND:

Summary

On June 16, 2015, 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 type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Benoit
Nays: None
Absent: Ashley
Date: August 18, 2015
xc: Co.CO./TLMA-CED, Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 06/16/15; 9.3 | District: 5 | Agenda Number:

2-37

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.: CV10-03752 [VILLAREAL]

Subject Property: 17379 Sanborn Street, North Palm Springs; APN: 666-212-012

District: 5 [\$0.00]

DATE: August 5, 2015

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)

2015-0371144

08/20/2015 08:59 AM

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has not been compared with the
filed/recorded document

Peter Aldana
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]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-03752
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 666-212-012, 17379 SANBORN STREET,) CONCLUSIONS AND ORDER TO
15 NORTH PALM SPRINGS, RIVERSIDE) ABATE NUISANCE
16 COUNTY, CALIFORNIA; DAVID A.)
VILLAREAL AND MARIA G. VILLAREAL,) R.C.O. Nos. 457, 541 and 725
OWNERS.)

17 The above-captioned matter came on regularly for hearing on June 16, 2015, 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 17379 Sanborn Street, North Palm Springs, Riverside, Assessor's Parcel Number 666-
21 212-012 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear at the hearing.

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
2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as David A. Villareal and Maria G. Villareal (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Mission Springs Water District and Raymond Emerson, Trustee of the
6 Raymond Morgan Emerson Trust and Raymond Emerson (hereinafter referred to as “INTERESTED
7 PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 25, 2012,
9 and on fourteen (14) other occasions, the last being June 3, 2015.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE
11 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
12 contained numerous deficiencies, including but not limited to: lack of or improper water closet,
13 lavatory, bathtub, shower or kitchen sink; lack of required electrical lighting; hazardous wiring;
14 faulty weather protection; general dilapidation or improper maintenance.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: couch, refrigerator, hoses, wooden box containing
17 miscellaneous rubbish and a mattress in excess of 150 square feet.

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

20 7. A Notice of Pendency of Administrative Proceedings was recorded on August 10,
21 2012, as Document Number 2012-0380194 in the Office of the County Recorder, County of
22 Riverside.

23 8. On July 25, 2012, Notice of Violation, Notice of Defects, a “Danger Do Not Enter”
24 sign were posted on THE PROPERTY.

25 9. On August 2, 2012, Notice of Violation and Notice of Defects were mailed to
26 OWNERS by first class mail.

27 10. On August 27, 2014, Notice of Violation and Notice of Defects were mailed to
28 OWNERS by certified mail, return receipt requested and were posted on THE PROPERTY on

1 August 28, 2014.

2 11. On January 30, 2015, Notice of Violation and Notice of Defects were mailed to
3 INTERESTED PARTY, Mission Springs Water District by certified mail, return receipt requested
4 and were posted on THE PROPERTY on February 3, 2015.

5 12. On March 3, 2015, Notice of Violation and Notice of Defects were mailed to
6 INTERESTED PARTIES, Raymond Emerson, Trustee of the Raymond Morgan Emerson Trust and
7 Raymond Emerson by certified mail, return receipt requested and was posted on THE PROPERTY
8 on March 4, 2015.

9 13. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
10 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and
11 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
14 regular session assembled on June 16, 2015, finds and concludes that:

15 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
16 real property located at 17379 Sanborn Street, North Palm Springs, Riverside County, California,
17 also identified as Assessor's Parcel Number 666-212-012 violates Riverside County Ordinance Nos.
18 457 and 541 and constitutes a public nuisance.

19 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
20 THE PROPERTY shall abate the substandard structure conditions by razing, removing and disposing
21 of the substandard structure, including the removal and disposal of all structural debris and
22 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that
23 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
24 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
25 days.

26 3. WHEREAS, the OWNERS, occupants and any other person having possession or
27 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
28 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
9 PROPERTY be abated by the OWNERS, or anyone having possession or control of THE
10 PROPERTY, by razing and removing the substandard structure including the removal and disposal
11 of all structural debris and materials, as well as the contents therein, or by reconstruction and
12 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
13 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
14 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
15 Nuisance.

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

24 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
25 asbestos containing materials in said structures by survey and materials sample testing by a duly
26 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
27 the removal of all asbestos containing materials discovered through such survey and testing by
28 contract with a duly certified and licensed contractor for the handling of such materials to avoid

1 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
16 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
17 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
18 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
19 collection and administrative costs, attorneys fees, and the costs associated with the removal or
20 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

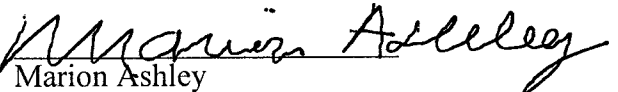
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1 Department will be recoverable from the OWNERS even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

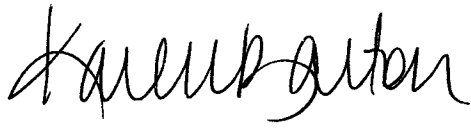
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Dated: August 18, 2015

COUNTY OF RIVERSIDE

By 
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By 
Deputy
(SEAL)



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

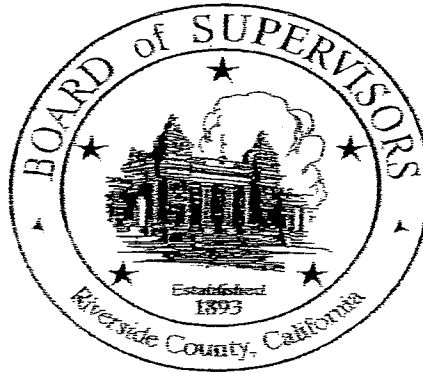
www.riversideacr.com

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:

8-18-15

Signature:

Karen Barton

Print Name:

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