

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

407B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 6, 2015


SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No. : CV14-01911 [ESTATE OF NORBERT S. KLONOWSKI]
Subject Property: 75995 Skyline Drive, Desert Hot Springs; APN: 647-130-017
District: 4 [\$0.00]

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV14-01911 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. CV14-01911; 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. CV14-01911.

BACKGROUND:
Summary

On September 1, 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 checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

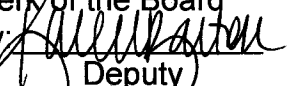
BY: 
Rohini Dasika

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: October 20, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 9/01/15; 9.6 | District: 4 | Agenda Number:

2-11

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.: CV14-01911 [ESTATE OF NORBERT S. KLONOWSKI]

Subject Property: 75995 Skyline Drive, Desert Hot Springs, APN: 647-130-017

District: 4 [\$0.00]

DATE: October 6, 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

2015-0469633

10/26/2015 03:54 PM

*****Customer Copy Label*****

The paper to which this label is affixed has not been compared with the filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
Regina Keyes, Senior Code Enforcement Officer
7 CODE ENFORCEMENT DEPARTMENT
4080 Lemon Street, Twelfth Floor (Stop #1012)
8 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 14-01911
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH];)
13 APN 647-130-017, 75995 SKYLINE DRIVE,) FINDINGS OF FACT,
DESERT HOT SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; ESTATE OF NORBERT S.) ABATE NUISANCE
KLONOWSKI. OWNER.)
15 R.C.O. Nos. 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on September 1, 2015, 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 75995 Skyline Drive, Desert Hot Springs, Riverside, Assessor's Parcel
21 Number 647-130-017 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 structures 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 Estate of Norbert S. Klonowski (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Beneficial California Inc. and Associates Home Equity Services, Inc.
6 (hereinafter referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 4, 2014,
8 and on six (6) other occasions, the last being August 27, 2015.

9 4. During each inspection, four (4) substandard structures (dwelling and 3 accessory
10 structures) were observed on THE PROPERTY. The structures were observed to be abandoned,
11 dilapidated, and vacant. The structures contained numerous deficiencies, including but not limited
12 to: faulty weather protection; general dilapidation or improper maintenance; built without building
13 permits; and public and attractive nuisance – abandoned/vacant.

14 5. During each inspection an accumulation of rubbish was observed throughout THE
15 PROPERTY consisting of but not limited to: plastic, wood, metal, household trash, personal items,
16 scrap wood, and miscellaneous items in excess of 2,000 square feet.

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

19 7. A Notice of Pendency of Administrative Proceedings was recorded on July 11, 2014,
20 as Document Number 2014-0258137 in the Office of the County Recorder, County of Riverside.

21 8. On August 4, 2014, Notice of Violation, Notice of Defects and “Danger Do Not
22 Enter” signs were posted on THE PROPERTY. On December 9, 2014, Notice of Violation and
23 Notice of Defects were mailed to OWNER and INTERESTED PARTIES by first class mail.

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 by first class mail and was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on September 1, 2015, finds and concludes that:

2 1. WHEREAS, the substandard structures (dwelling and 3 accessory structures) and
3 accumulation of rubbish on the real property located at 75995 Skyline Drive, Desert Hot Springs,
4 Riverside County, California, also identified as Assessor's Parcel Number 647-130-017 violates
5 Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

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

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structures (dwelling and 3 accessory
24 structures) on THE PROPERTY be abated by the OWNER or anyone having possession or control
25 of THE PROPERTY, by razing and removing the substandard structures including the removal and
26 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
27 and rehabilitation of said structures provided such reconstruction and rehabilitation can be
28 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
2 to Abate Nuisance.

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

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

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

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

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
3 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
4 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
5 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
6 collection and administrative costs, attorneys fees, and the costs associated with the removal or
7 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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Dated: October 20, 2015

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kecia Harper-Ihem
Deputy
(SEAL)



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

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

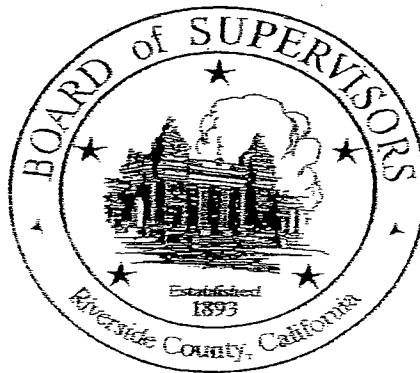
www.riversideacr.com

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:

10-20-15

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

November 3, 2015

RE CASE NO: CV1401911

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 11/3/15 at 8:00 am, I securely and conspicuously posted the Finding of Facts, Conclusions and Order to Abate Nuisance at the property described as:

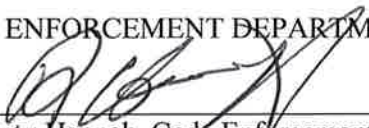
Property Address: 75995 SKYLINE DR, DSRT HOT SPG

Assessor's Parcel Number: 647-130-017

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

Executed on November 3, 2015 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Rusty Hannah, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV14-01911 Klonowski

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 November 3, 2015, I served the following document(s):

- **FINDING OF FACT CONCLUSIONS & ORDER TO ABATE NUISANCE**
- **RESPONSIBLE OR INTERESTED PARTIES LIST**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

OWNERS OR INTERESTED PARTIES
(SEE ATTACHED RESPONSIBLE OR INTERESTED PARTIES 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 November 3, 2015, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 75995 Skyline Drive, Desert Hot Springs;

Case No.: CV14-01911

APN: 647-130-017; District 4

ESTATE OF NORBERT S. KLONOWSKI
75995 SKYLINE DRIVE
DESERT HOT SPRINGS, CA 92241

BENEFICIAL CALIFORNIA, INC.
3380 S. BRISTOL
SANTA ANA, CA 92704

ASSOCIATES HOME EQUITY SERVICES INC.
14415 S 50TH STREET, STE 100
PHOENIX, AZ 85044

ROBERT WYMAN
611 S. PALM CANYON DRIVE #7
PALM SPRINGS, CA 92264

DANIELLE HENLEY
316 W. ANTELOPE DRIVE
LAYTON, UT 84041