

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

1103



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 29, 2016

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV14-02584 [MONTGOMERY]
Subject Property: 16590 Via Corto West, Desert Hot Springs; APN: 657-112-005
District: 4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV14-02584 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. CV14-02584; 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. CV14-02584.

BACKGROUND:

Summary

On June 7, 2016, 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:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: July 12, 2016
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 6/07/16; 9.3 | District: 4 | Agenda Number:

2-9

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. : CV14-02584 [MONTGOMERY]

Subject Property: 16590 Via Corto West, Desert Hot Springs; APN: 657-112-005

District: 4 [\$0.00]

DATE: June 29, 2016

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)

2016-0295170

07/14/2016 03:28 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

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 14-02584
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 657-112-005, 16590 VIA CORTO WEST,) CONCLUSIONS AND ORDER TO
15 DESERT HOT SPRINGS, RIVERSIDE COUNTY,) ABATE NUISANCE
16 CALIFORNIA; SUSAN L. MONTGOMERY,)
OWNER.) [R.C.O. Nos. 457, 541 and 725]

17 The above-captioned matter came on regularly for hearing on June 7, 2016, 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 16590 Via Corto West, Desert Hot Springs, Riverside, Assessor's Parcel Number 657-
21 112-005 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
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Susan L. Montgomery (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: BAC Home Loans Servicing, LP FKA Countrywide Home Loans
6 Servicing, LP, Mission Springs Water District, and Susan L. Montgomery, as Trustee of the Susan L.
7 Montgomery Living Trust dated August 18, 2011 (hereinafter referred to as “INTERESTED
8 PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on July 3, 2014 and
10 on twelve (12) subsequent follow up inspections, with the last being June 1, 2016.

11 4. During each inspection, a substandard structure (dwelling) was observed on THE
12 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
13 contained numerous deficiencies, including but not limited to: extensive fire damage and public and
14 attractive nuisance – abandoned/vacant.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: burnt debris, burnt personal items and a satellite dish of
17 about 500 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 January 29,
21 2015, as Document Number 2015-0037593 in the Office of the County Recorder, County of
22 Riverside.

23 8. On July 3, 2014, March 23, 2015, and September 23, 2015, a Notice of Violation,
24 Notice of Defects, and a “Danger Do Not Enter” sign were posted on THE PROPERTY. On July 9,
25 2014, a Notice of Violation and Notice of Defects were mailed to OWNER by first class mail. On
26 March 19, 2015, a Notice of Violation and Notice of Defects were mailed to OWNER and
27 INTERESTED PARTIES by first class mail. On August 5, 2015, a Notice of Violation and Notice
28 of Defects were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt

1 requested.

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

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on June 7, 2016, finds and concludes that:

8 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
9 real property located at 16590 Via Corto West, Desert Hot Springs, Riverside County, California,
10 also identified as Assessor's Parcel Number 657-112-005 violate Riverside County Ordinance Nos.
11 457 and 541 and constitute a public nuisance.

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

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

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

28 ///

1 ORDER TO ABATE NUISANCE

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

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

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

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

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

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

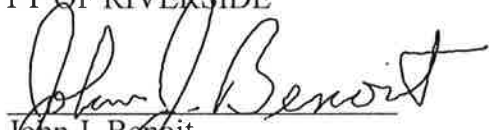
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1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: July 12, 2016

COUNTY OF RIVERSIDE

By 
John J. Benoit
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

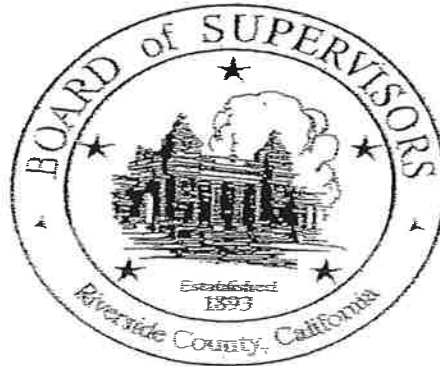
www.riversideacr.com

CERTIFICATION

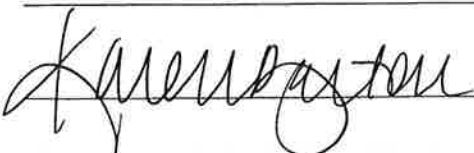
Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(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: 7-12-16

Signature: 

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board