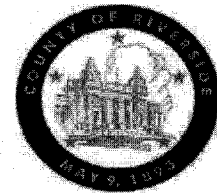


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM
2.6
(ID # 2879)**

MEETING DATE:

Tuesday, December 13, 2016

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Vacate and Set Aside: 1) Findings of Fact, Conclusions and Order to Abate Nuisance in Case No. CV 13-03076; and 2) Statement of Decision Upholding Administrative Hearing Officer's Notice of Decision and Order on Appeal in Case No. CV 13-03077; District 4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors, vacate and set aside the following:

1. Riverside County Board of Supervisors' Findings of Fact, Conclusions and Order to Abate Nuisance in Case No. CV 13-03076 and dated April 22, 2014, involving accumulated rubbish and trash pursuant to Riverside County Ordinance 348, 541 and 725, recorded with the County of Riverside as Doc # 2014-0150650 on April 25, 2014, and attached hereto as Exhibit A; and
2. Riverside County Board of Supervisor's Statement of Decision Upholding Administrative Hearing Officer's Notice of Decision and Order on Appeal in Case No. CV 13-03077 and dated April 22, 2014, involving an administrative order to abate inoperative abandoned vehicles pursuant to Riverside County Ordinance 520, recorded with the County of Riverside as Doc # 2014-0150652 on April 25, 2014, and attached hereto as Exhibit B.

ACTION: Policy

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	2016/17

C.E.O. RECOMMENDATION: Approve

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: Benoit
Date: December 13, 2016
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By: *[Signature]*
 Deputy

2-6

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

BACKGROUND:

Summary

On September 29, 2016, judgment was entered against the County of Riverside in Mary Bernadette Schwenn v. County of Riverside et al. (Case No. PSC 1404129). The judgment directs the Board of Supervisors to vacate and set aside the above actions. The judgment further directs the County of Riverside forego the collection of the abatement costs pursuant to Riverside County Ordinance 725 for Case No. CV 13-03076 (rubbish abatement) of two thousand seven hundred and fifty dollars and zero cents (\$2,750.00). The County of Riverside has no claim for costs associated with Case No. CV 13-03077 (vehicle abatement). The County of Riverside has decided not to appeal the judgment.

Impact on Residents and Businesses

N/A

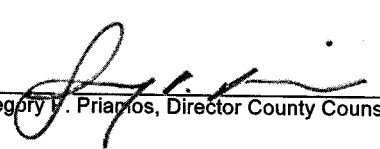
Contract History and Price Reasonableness

N/A

ATTACHMENT A. Exhibits A & B-Findings of Fact, Conclusions and Order to Abate Nuisance (CV 13-03076); Statement of Decision Upholding Administrative Hearing Officer's Notice of Decision and Order on Appeal (CV 13-03077)

ATTACHMENT B. APN 741-090-008_Vicinity Map

Previous Agendas: March 25, 2014, Items 9.2 and 9.3



Gregory V. Priamos, Director County Counsel 11/10/2016

EXHIBIT A

DOC # 2014-0150650

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Page 1 of 6

Recorded in Official Records
County of Riverside

Larry W. Ward
Assessor, County Clerk & Recorder



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

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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]

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513

10 **BOARD OF SUPERVISORS**
11 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 13-03076
12 [EXCESSIVE OUTSIDE STORAGE AND)	
13 ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
14 APN 741-090-008, VACANT LOT ON)	CONCLUSIONS AND ORDER TO
15 THOUSAND PALMS CANYON ROAD, SKY)	ABATE NUISANCE
16 VALLEY, RIVERSIDE COUNTY, CALIFORNIA;)	
17 MARY BERNADETTE SCHWENN, OWNER.)	R.C.O. Nos. 348, 541 and 725

18 The above-captioned matter came on regularly for hearing on March 25, 2014, before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21 property described Vacant Lot on Thousand Palms Canyon Road, Sky Valley, Riverside County,
22 Assessor's Parcel Number 741-090-008 and referred to hereinafter as "THE PROPERTY."

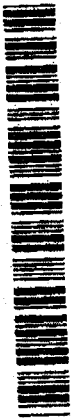
23 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department, and Hector
25 Herrera, the enforcing Code Enforcement Officer as a witness.

26 Owner appeared and addressed the Board of Supervisors.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
28 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

FINDINGS OF FACT, CONCLUSIONS
AND ORDER TO ABATE NUISANCE

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Mary Bernadette Schwenn ("OWNER").

2. Documents of title indicate that no other parties may potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY was inspected by Code Enforcement Officers on July 25, 2013, September 3, 2013, September 26, 2013, October 1, 2013, October 29, 2013, November 7, 2013, December 24, 2013, and January 23, 2014.

4. During each inspection an accumulation of rubbish and excess outside storage was observed throughout THE PROPERTY consisting of but not limited to: metal, wood, discarded carton bags, household trash, furniture, a tent, bags of dog food and mattresses.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348 and 541 by the Code Enforcement Officer.

6. On October 3, 2013 and November 6, 2013, Notices of Pendency of Administrative Proceedings were recorded at the Riverside County Recorder's Office as instrument numbers 2013-0478509 and 2013-0528766.

7. On July 25, 2013, a Notice of Violation was posted on THE PROPERTY. On September 30, 2013 and December 18, 2013, a Notice of Violation was mailed to OWNER by first class mail. On December 18, 2013, a Notice of Violation was mailed to OWNER by certified mail with return receipt requested.

8. 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 was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 25, 2014, finds and concludes that:

1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish on the real property located at Vacant Lot on Thousand Palms Canyon Road, Sky Valley, Riverside

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04/25/2014 09:18A
3 of 6



1 on the real property located at Vacant Lot on Thousand Palms Canyon Road, Sky Valley, Riverside
2 County, California, also identified as Assessor's Parcel Number 741-090-008 violates Riverside
3 County Ordinance Nos. 348 and 541 and constitutes a public nuisance.

4 2. WHEREAS, the OWNER, occupants and any other person having possession or
5 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
6 materials by removing and disposing of all rubbish and excessive outside storage on THE
7 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
8 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials
15 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE
16 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on
17 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
18 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and
19 mailing of this Order to Abate Nuisance.

20 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
21 storage of materials is not removed and disposed of in strict accordance with all Riverside County
22 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
23 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
24 outside storage of materials may be abated and disposed of by representatives of the Riverside
25 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
26 owner's consent or a Court Order when necessary under applicable law.

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
2 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

Dated: April 22, 2014

COUNTY OF RIVERSIDE

By Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karim Dagher
Deputy
(SEAL)





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

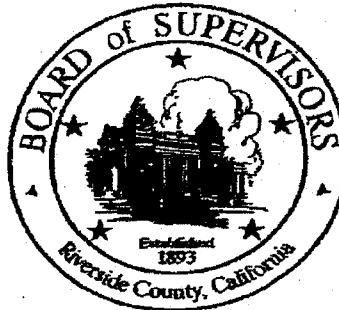
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcfrec.com>

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:

4-22-14

Signature:

Karen Barton

Print Name:

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



EXHIBIT B



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

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5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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513

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

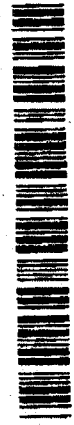
11 IN RE APPEAL OF ADMINISTRATIVE)
 12 HEARING DECISION RE: INOPERATIVE)
 13 VEHICLES; APN: 741-090-008, VACANT LOT)
 14 ON THOUSAND PALMS CANYON ROAD, SKY)
 15 VALLEY, COUNTY OF RIVERSIDE, STATE OF)
 16 CALIFORNIA; MARY BERNADETTE)
 17 SCHWENN, OWNER AND APPELLANT.)
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CASE NO. CV 13-03077
 STATEMENT OF DECISION
 UPHOLDING ADMINISTRATIVE
 HEARING OFFICER'S NOTICE OF
 DECISION AND ORDER ON
 APPEAL
 R.C.O. No. 520

17 The above-captioned matter came on regularly for hearing on March 25, 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
20 appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked,
21 dismantled and/or inoperative vehicles and vehicle parts on the real property described as Vacant Lot
22 on Thousand Palms Canyon Road, Sky Valley, Riverside County, APN 741-090-008 and referred to
23 hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
25 Enforcement Officer, on behalf of the Director of the Code Enforcement Department and Hector
26 Herrera, the enforcing Code Enforcement Officer as a witness. The Code Enforcement Department
27 also presented the Declaration of Officer Hector Herrera and Exhibits "A" through "I," evidencing
28 the abandoned, wrecked, dismantled and/or inoperative vehicles and vehicle parts on THE

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2 of 4



1 PROPERTY as violations of Riverside County Ordinance No. 520, and as a public nuisance.
2 Appellant Mary Bernadette Schwenn, ("OWNER"), addressed the Board and presented
3 evidence, consisting of oral testimony. The Board of Supervisors received the evidence presented by
4 OWNER. The Board of Supervisors received the Declaration of the Code Enforcement Officer
5 together with attached Exhibits, and oral testimony from Officer Hector Herrera.

6 **ORDER ON APPEAL**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on March 25, 2014, determines and orders as follows:

9 1. All due process requirements were satisfied by the Department of Code Enforcement.
10 The Administrative Hearing Order and Notice of Decision (Exhibit "G" to the Declaration of
11 Officer Hector Herrera), exhibits and testimony have been considered.

12 2. The Administrative Hearing Order and Notice of Decision is affirmed.

13 3. OWNER or anyone having possession or control of the vehicles or vehicle parts is
14 required to abate the public nuisance by removing all the vehicles and vehicle parts set forth in the
15 attached Vehicle Investigation Inventory and Abatement Report (Exhibit "E" to the Declaration of
16 Officer Hector Herrera), making them operable or completely enclosing them within a building in a
17 lawful manner where they are not visible from the street or other public or private property within
18 ninety (90) days of the posting and mailing of this Board order in accordance with all Riverside
19 County Ordinances and Codes, including but not limited to Riverside County Ordinance No. 520.

20 4 If the above described nuisance is not abated within ninety (90) days of issuance of
21 the Board order, a designated representative of the Department of Code Enforcement, a towing
22 contractor and/or Sheriff's Department representative may abate the nuisance by removal and
23 destruction pursuant to Riverside County Ordinance No. 520 and applicable laws.

24 5. OWNER and any registered owners of the vehicles identified within the attached
25 Vehicle Investigation Inventory and Abatement Report are hereby notified that they may have
26 additional remedies pursuant to California Code of Civil Procedure Sections 1094.5, 1094.6, et seq.
27 and are further notified that the deadline to seek such remedies is ninety (90) days from the posting
28 and mailing of the Statement of Decision Upholding Administrative Hearing Officer's Decision and

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Order on Appeal.

6. Reasonable costs of abatement, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY which may be collected as a special assessment against THE PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos. 520 and 725.

Dated: April 22, 2014

COUNTY OF RIVERSIDE

By: Jeff Stone
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By: Karen [Signature]
Deputy
(SEAL)



2814-0150652
04/25/2014 09:18A
3 of 4



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

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

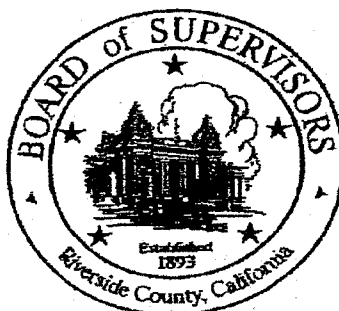
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(embossed on document)



Date:

4-22-14

Signature:

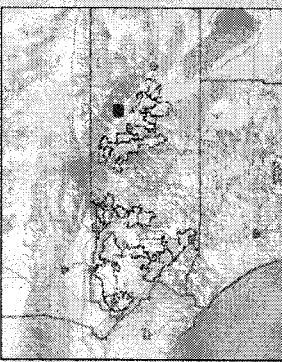
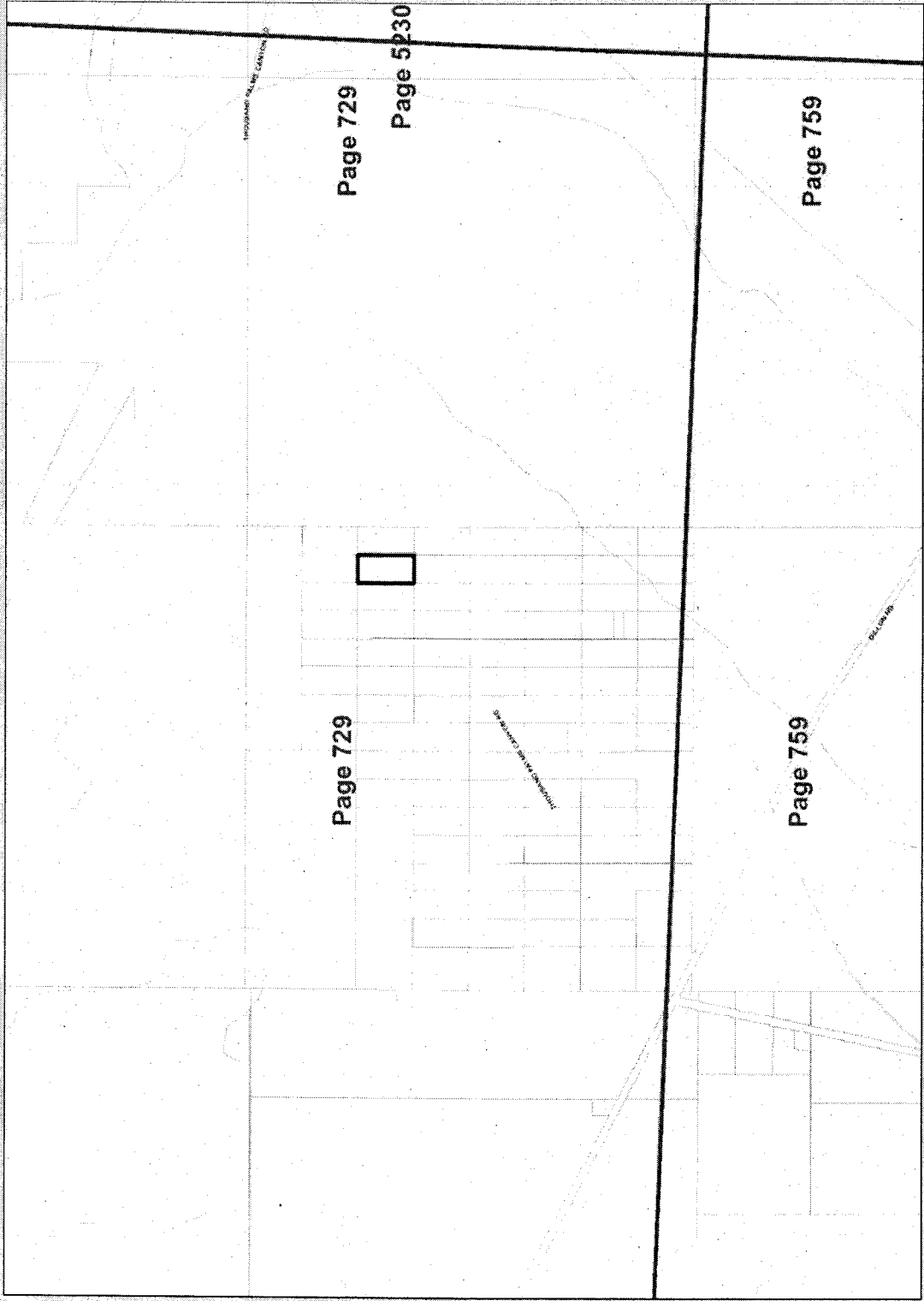
Karen Barton

Print Name:

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



APN# 741-090-008




Legend


- TBM Page
- City Boundaries
- Cities**
- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- roads
- Major Roads
- Arterial
- Collector
- Residential
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers

Notes

"IMPORTANT" Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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