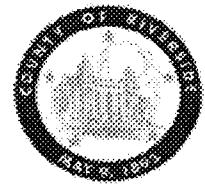


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

717B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 07-6483 and CV 08-07991 (WOY)
Subject Property: 16330 E. Via Corto, Desert Hot Springs
APN: 657-084-004
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-6483 and CV 08-07991 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 Nos. CV 07-6483 and CV 08-07991; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-6483 and CV 08-07991.

(Continued)

[Signature]

JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Alex Gann*
Alex Gann

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 07-6483 and CV 08-07991

Subject Property: 16330 E. Via Corto, Desert Hot Springs

APN: 657-084-004

District Five

BACKGROUND:

On December 8, 2009 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 accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

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 Julie Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 07-6483 and
12 [SUBSTANDARD STRUCTURE AND) CV 08-07991
ACCUMULATION OF RUBBISH]; APN 657-084-)
13 004, 16330 E. VIA CORTO, DESERT HOT) FINDINGS OF FACT,
SPRINGS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; MICHAEL W. WOY AND) ABATE NUISANCE
EDITHA S. WOY, OWNERS.)
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on December 8, 2009, 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 16330 E. Via Corto, Desert Hot Springs, Riverside County, Assessor's Parcel
21 Number 657-084-004 and referred to hereinafter as "THE PROPERTY."

22 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of owners.

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 (Riverside County Code Title 15)
28 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

SUMMARY OF EVIDENCE

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1. Documents of record in the Riverside County Recorder's Office identify the owners of THE PROPERTY as Michael W. Woy and Editha S. Woy ("OWNERS").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to wit: Farmers Home Administration, Safeco Title Insurance Co., Mission Springs Water District and Riverside County District Attorney ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on August 27, 2007, February 1, 2008, June 16, 2008, September 17, 2008, January 9, 2009, February 17, 2009, and September 24, 2009.

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: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; members of ceilings, roof, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation; fire hazard; public and attractive nuisance

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: green waste, broken furniture, household rubbish and scrap wood.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. A Notice of Noncompliance for the accumulation of rubbish was recorded on October 19, 2007, as Document Number 2007-0646400 in the Office of the County Recorder, County of Riverside. On December 26, 2008, a Notice of Noncompliance for the substandard structure was recorded against THE PROPERTY as instrument number 2008-0671645.

8. On August 27, 2007, a Notice of Violation and a "Do Not Dump" sign were posted on THE PROPERTY. On September 17, 2008, a Notice of Violation, Notice of Defects and Danger Do

1 Not Enter signs were posted on THE PROPERTY.

2 9. On September 18, 2007, a Notice of Violation for accumulation of rubbish was mailed
3 by certified mail, return receipt requested to OWNERS and on October 1, 2008 was mailed to
4 OWNERS and INTERESTED PARTIES.

5 10. On December 8, 2008, the Notice of Violation for the substandard structure and
6 Notice of Defects was mailed by certified mail, return receipt requested to OWNERS and on January
7 21, 2009 was mailed to OWNERS and INTERESTED PARTIES.

8 11. On September 21, 2009, a "Notice to Abate Nuisance" providing notice of the public
9 hearing before the Board of Supervisors on December 8, 2009 was mailed by certified mail, return
10 receipt requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY
11 on September 24, 2009.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
14 regular session assembled on December 8, 2009 finds and concludes that:

15 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
16 real property located at 16330 E. Via Corto, Desert Hot Springs, Riverside County, California, also
17 identified as Assessor's Parcel Number 657-084-004 violates Riverside County Ordinance Nos. 457
18 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

19 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
20 of THE PROPERTY should abate the substandard structure (dwelling) by razing, removing and
21 disposing 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) days.

25 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
26 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
27 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
28 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

5 **ORDER TO ABATE NUISANCE**

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

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

22 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
23 asbestos containing materials in said structure by survey and materials sample testing by a duly
24 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
25 the removal of all asbestos containing materials discovered through such survey and testing by
26 contract with a duly certified and licensed contractor for the handling of such materials to avoid
27 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

28 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be

1 abated by OWNER or anyone having possession or control of THE PROPERTY by removing and
2 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
3 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
4 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
6 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
7 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order
8 to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
9 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
10 receipt of an owner's consent or a Court Order when necessary under applicable law.

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
15 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
16 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
17 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
18 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable

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

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  JULIE A. KOONS JARVI
DATE 1/4/10