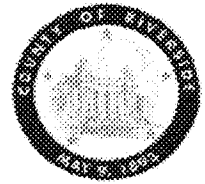


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

709 B



**SUBMITTAL DATE:**  
January 13, 2010

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No.: CV 09-04325 (ROACH)  
Subject Property: 61785 Crest Street, Desert Hot Springs APN: 667-211-043  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04325 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. CV 09-04325 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. CV 09-04325.

Departmental Concurrence

**BACKGROUND:**

On December 22, 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 located 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, Conclusion and Order to Abate.

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

(Continued)

<b>FINANCIAL DATA</b>	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

**County Executive Office Signature** BY:   
Alex Gann

Policy	<input type="checkbox"/>
Policy	<input type="checkbox"/>

Consent	<input checked="" type="checkbox"/>
Consent	<input type="checkbox"/>

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

Prev. Agn. Ref.: 12/22/09; 9.6 | District: 5 | Agenda Number:

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

5 WHEN RECORDED PLEASE MAIL TO:  
Julie Jarvi, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT '6103]

8  
9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-04325  
12 [SUBSTANDARD STRUCTURES]; APN: 667- )  
211-043, 61785 CREST STREET, DESERT HOT )  
13 SPRINGS, RIVERSIDE COUNTY, ) FINDINGS OF FACT,  
CALIFORNIA; EDDIE LEE ROACH AND ) CONCLUSIONS AND ORDER TO  
14 CHARLES ROACH, OWNERS. ) ABATE NUISANCE  
15 ) [R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on December 22, 2009 before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 61785 Crest Street, Desert Hot Springs, Riverside County, APN: 667-211-043,  
20 and referred to hereinafter as "THE PROPERTY."

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

23 Owner, Eddie Roach, appeared and addressed the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with the attached Exhibits, evidencing the substandard structures on THE PROPERTY as a public  
26 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code  
27 Title 15.

28 ///

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder's Office identify the Owners  
3 of THE PROPERTY as Eddie Lee Roach and Charles Roach ("OWNERS").

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: The Saxe Dobrin Trust (hereinafter "INTERESTED PARTY").

6           3.       THE PROPERTY was inspected by Code Enforcement Officers on June 17, 2009,  
7 July 28, 2009, August 18, 2009, August 19, 2009, November 25, 2009 and December 21, 2009.

8           4.       During each inspection, three substandard structures (48' x 21' wood structure, 12' x  
9 24' patio and perimeter fence) were observed on THE PROPERTY. The structures were described  
10 as abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but  
11 not limited to: deteriorated or inadequate foundation; defective or deteriorated flooring and floor  
12 supports; members of walls, partitions or other vertical supports that split, lean, list or buckle due to  
13 defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other  
14 horizontal members which sag, split or buckle due to defective material or deterioration; dampness of  
15 habitable rooms; faulty weather protection; general dilapidation or improper maintenance;  
16 abandoned/vacant, public and attractive nuisance.

17           5.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 No. 457 (RCC Title 15) by the Code Enforcement Officer.

19           6.       A Notice of Noncompliance was recorded on June 30, 2009 as Document Number  
20 2009-0336832 in the Office of the County Recorder, County of Riverside.

21           7.       June 17, 2009, Notices of Violation, Notice of Defects and "Danger Do Not Enter"  
22 signs were posted on THE PROPERTY for two of the structures. On June 19, 2009, a Notice of  
23 Violation and Notice of Defects for the perimeter fence was posted on THE PROPERTY. On July 1,  
24 2009, Notices of Violation and Notice of Defects were mailed by certified mail, return receipt  
25 requested to the OWNERS and INTERSTED PARTY. On August 19, 2009, a Notice of Violation  
26 and Notice of Defects were mailed by certified mail, return receipt requested to the INTERESTED  
27 PARTY.

28       ///



1 reconstruction of said structures provided such reconstruction can be accomplished in strict  
2 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
3 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
4 Nuisance.

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

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

18 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
19 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
20 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
21 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
22 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
23 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
24 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
25 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

26 ///

27 ///

28 ///

1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
2 ninety (90) days of the date of this Order to Abate Nuisance.

3  
4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
7 Marion Ashley  
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE: 1/12/10