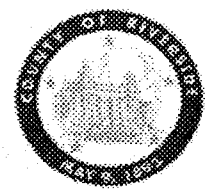


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

717B



SUBMITTAL DATE:  
January 13, 2010

FROM: County Counsel/TLMA  
Code Enforcement Department

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

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)

  
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

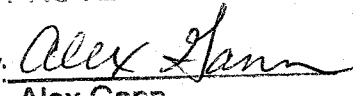
SOURCE OF FUNDS:

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

C.E.O. RECOMMENDATION:

APPROVE

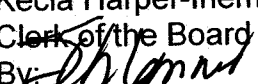
County Executive Office Signature

BY:   
Alex Gann

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: January 26, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 12/8/09; 9.3

District: 5

Agenda Number:

ATTACHMENTS FILED

WITH THE CLERK OF THE BOARD

2.18

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

DOC # 2010-0034525

01/27/2010 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			7						
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5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

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

C  
517

12 IN RE ABATEMENT OF PUBLIC NUISANCE: )  
13 [SUBSTANDARD STRUCTURE AND )  
14 ACCUMULATION OF RUBBISH]; APN 657-084- )  
15 004, 16330 E. VIA CORTO, DESERT HOT )  
16 SPRINGS, RIVERSIDE COUNTY, )  
17 CALIFORNIA; MICHAEL W. WOY AND )  
18 EDITHA S. WOY, OWNERS. )

CASE NOS. CV 07-6483 and  
CV 08-07991

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15), 541  
(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

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

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

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26 ///

27 ///

28 ///



FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE: 1/4/10

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.

5 Dated: January 26, 2010

COUNTY OF RIVERSIDE

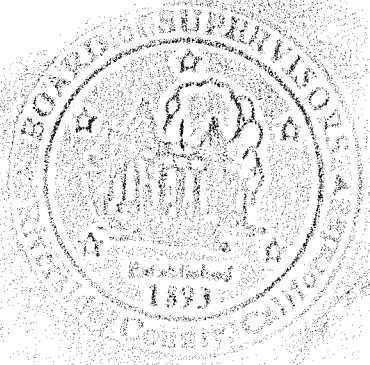
7 Marlon Ashley  
8 Marlon Ashley  
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13 By Janet Johannes  
14 Deputy  
15 (SEAL)



2010-0034525  
01/27/2010 08:00A  
6 of 7





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

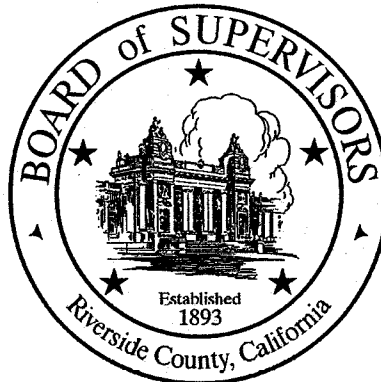
**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrclrec.com>

**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:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



## NOTICE LIST

Subject Property: E.16330 Via Corto Dr., Desert Hot Springs, CA 92240  
Case Nos.: CV 07-6483 and CV 08-07991; APN: 657-084-004; District 5

Michael W. Woy  
Editha S. Woy  
16330 Via Corto E.  
Desert Hot Springs, CA 92240

Farmers Home Administration  
22690 Cactus Ave., Ste. 280  
Moreno Valley, CA 92553

Chicago Title Insurance Co.  
F/K/A Safeco Title Insurance Co.  
560 E. Hospitality Ln.  
San Bernardino, CA 92408

Mission Springs Water District  
66575 Second Street  
Desert Hot Springs, CA 92240

Riverside County District Attorney  
45-305 Oasis Street  
Indio, CA 92201

# NOTICE LIST

Subject Property: E.16330 Via.Corto Dr., Desert Hot Springs, CA 92240  
Case Nos.: CV 07-6483 and CV 08-07991; APN: 657-084-004; District 5

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Chicago Title Insurance Co. F/K/A Safeco Title Insurance Co. 560 E. Hospitality Ln. San Bernardino, CA 92408 CV07-6483 *FOF* WOY 5</p>	<p>1. Article Addressed to:</p> <p>Mission Springs Water District 66575 Second Street Desert Hot Springs, CA 92240 CV07-6483 *FOF* WOY 5</p>	<p>A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Lisa Peltan</i> C. Date of Delivery <i>3/2/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	<p>A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Lisa Peltan</i> C. Date of Delivery <i>3/2/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p>	<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.                 </p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.                 </p>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>7009 3410 0000 1318 0731</p>		<p>7009 3410 0000 1318 0786</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p>Farmers Home Administration 22690 Cactus Ave., Ste. 280 Moreno Valley, CA 92553 CV07-6483 *FOF* WOY 5</p>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>SAUTHIA ALVORA</i> C. Date of Delivery <i>3/2/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.                 </p>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>7009 3410 0000 1318 0748</p>	

**PROOF OF SERVICE**

Case Nos. CV07-6483 & CV08-07991

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, 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 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 2010, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

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

**OWNERS OR INTERESTED PARTIES**  
(see attached notice list)

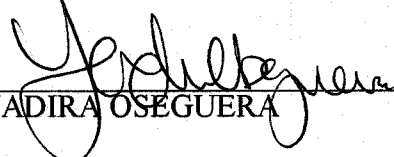
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 March 1, 2010, at Riverside, California.

  
YADIRA OSEGUERA

**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

April 16, 2010

RE CASE NO: CV0807991

I, Lorena Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 04/15/10 at 11:00 am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance. at the property described as:

**Property Address:** 16330 E VIA CORTO, DSRT HOT SPG

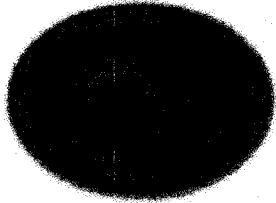
**Assessor's Parcel Number:** 657-084-004

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

Executed on April 16, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Lorena Diaz, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

April 16, 2010

RE CASE NO: CV076483

I, Lorena Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 04/15/10 at 11:00 am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance. at the property described as:

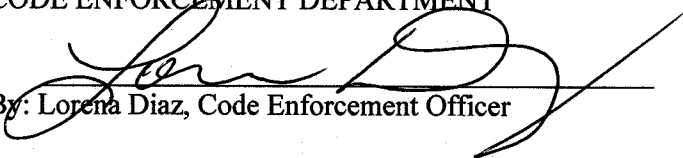
**Property Address:** 16330 E VIA CORTO, DSRT HOT SPG

**Assessor's Parcel Number:** 657-084-004

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

Executed on April 16, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:  Lorena Diaz, Code Enforcement Officer