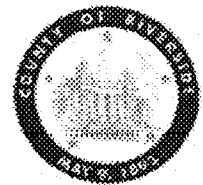


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

709 B



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

**SUBMITTAL DATE:**  
January 13, 2010

**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.

**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.

*[Signature]*  
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*  
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: *[Signature]*  
Deputy

Prev. Agn. Ref.: 12/22/09, ATTACHMENT 5 | Agenda Number:

WITH THE CLERK OF THE BOARD

2.24



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

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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC.						T:	CTY	UNI	513

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

[EXEMPT '6103]

**C**  
**513**

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:  
[SUBSTANDARD STRUCTURES]; APN: 667-  
211-043, 61785 CREST STREET, DESERT HOT  
SPRINGS, RIVERSIDE COUNTY,  
CALIFORNIA; EDDIE LEE ROACH AND  
CHARLES ROACH, OWNERS.

CASE NO. CV 09-04325

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

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

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

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

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

///

## SUMMARY OF EVIDENCE

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

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

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

4. During each inspection, three substandard structures (48' x 21' wood structure, 12' x 24' patio and perimeter fence) were observed on THE PROPERTY. The structures were described as abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: deteriorated or inadequate foundation; defective or deteriorated flooring and floor supports; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, 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 or improper maintenance; abandoned/vacant, public and attractive nuisance.

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

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

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

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01/27/2010 03:00H  
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3. WHEREAS, THE OWNERS AND INTERESTED PARTY ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

IT IS THEREFORE ORDERED that the substandard structures on THE PROPERTY located at 61785 Crest Street, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 667-211-043 be abated by the OWNERS, and anyone having possession or control of THE PROPERTY, by razing and removing the substandard structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or by

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

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01/27/2010 08:00A  
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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: January 26, 2010

COUNTY OF RIVERSIDE

5  
6 By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10  
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12 By Julie A. Koons Jarvi  
13 Deputy  
14 (SEAL)  
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01/27/2010 08:00A  
5 of 6

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi 1/26/10  
DATE



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

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

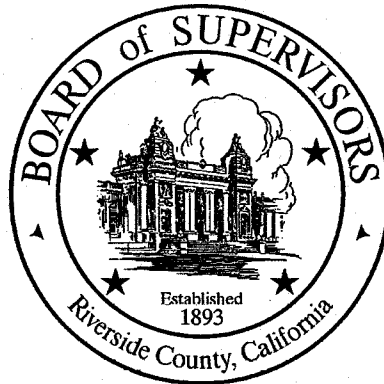
<http://riverside.asrelkrec.com>

**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





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

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

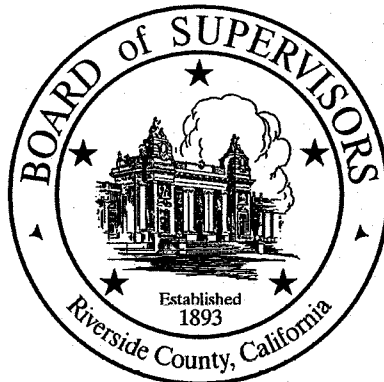
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1-26-10

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Sandi Schlemmer

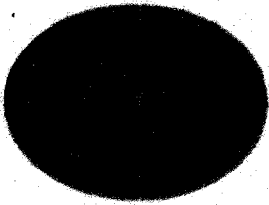
Print Name:

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

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**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 5, 2010

RE CASE NO: CV0904325

I, Regina Keyes, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 3/5/2010 at 9:17 a.m., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

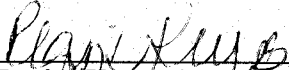
**Property Address:** 61785 Crest # ST, Desert Hot Springs

**Assessor's Parcel Number:** 667-211-043

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

Executed on March 5, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Regina Keyes, Sr. Code Enforcement Officer

**PROOF OF SERVICE**

Case Nos. CV09-04325

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)**

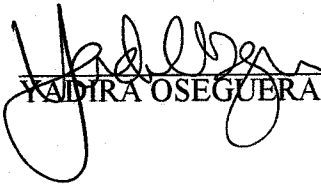
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

# NOTICE LIST

Subject Property: 61785 Crest Street, Desert Hot Springs

Case No.: CV 09-04325; APN: 667-211-043; District 5

EDDIE LEE ROACH  
CHARLES ROACH  
P.O. BOX 1158  
DESERT HOT SPRINGS, CA 92240

LADOC5600009-04325\A59974.DOC

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature X <i>Charles Roach</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received By (Printed Name) <i>Charles Roach</i>	C. Date of Delivery
EDDIE LEE ROACH CHARLES ROACH P O BOX 1158 DESERT HOT SPRINGS, CA. 92240 CV09-04325 *FOF* ROACH 1		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7009 1680 0000 9025 3185	

Domestic Return Receipt

102595-02-11-1000