

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

612B



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

**SUBMITTAL DATE:**  
July 1, 2010

**SUBJECT:** Order to Abate [Substandard Structure & Accumulation of Rubbish]  
Case No. : CV 09-12615 (FELIX)  
Subject Property: 83170 Alvarado Avenue, Thermal; APN: 767-451-014  
District: 4

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12615 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 09-12615; 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 09-12615.

(Continued)

L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<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

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

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

- Consent
- Policy
- Consent
- Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: July 27, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

2.11

Dep't Recomm.:  
Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance  
Case No. CV 09-12615; FELIX  
83170 Alvarado Avenue, Thermal  
Page 2

**BACKGROUND:**

On June 29, 2010, 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 (single family dwelling) and accumulated 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 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)

5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

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[EXEMPT'6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-12615  
12 [SUBSTANDARD STRUCTURE AND )  
13 ACCUMULATION OF RUBBISH]; APN 767-451- )  
14 014, 83170 ALVARADO AVENUE, THERMAL, ) FINDINGS OF FACT,  
15 RIVERSIDE COUNTY, CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
CANDELARIO FELIX AND SARA L. FELIX, ) ABATE NUISANCE  
OWNERS. ) [R.C.O. Nos. 457 (RCC Title 15), 541  
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 29, 2010, before the Board  
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
19 described 83170 Alvarado Avenue, Thermal, Assessor's Parcel Number 767-451-014 and referred to  
20 hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owners.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE  
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)  
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder’s Office identify the owners  
3 of THE PROPERTY as Candelario Felix and Sara L. Felix (“OWNERS”).

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: American General Finance, Integrated Lender Services and Fireside Bank  
6 (“INTERESTED PARTIES”).

7           3.       THE PROPERTY was inspected by Code Enforcement Officer on January 30, 2010,  
8 March 15, 2010, April 27, 2010, June 14, 2010 and June 25, 2010.

9           4.       During each inspection, a substandard structure (single family dwelling) was observed  
10 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The  
11 structure contained numerous deficiencies, including but not limited to: faulty weather protection;  
12 general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

13           5.       During each inspection an accumulation of rubbish was observed throughout THE  
14 PROPERTY consisting of but not limited to: clothes, broken furniture, discarded personal items,  
15 dead vegetation, an old row boat, household trash, broken items and tires.

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

18           7.       A Notice of Noncompliance was recorded on March 29, 2010, as Document Number  
19 2010-0140781 in the Office of the County Recorder, County of Riverside.

20           8.       On January 30, 2010, a Notice of Violation, Notice of Defects, a “Danger Do Not  
21 Enter” and a “Do Not Dump” signs were posted on THE PROPERTY. On February 5, 2010,  
22 Notices of Violation for the substandard structure and accumulation of rubbish were mailed to  
23 OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

24           9.       On June 14, 2010, a “Notice to Abate Nuisance” providing notice of the public hearing  
25 before the Board of Supervisors on June 29, 2010, was mailed by certified mail, return receipt  
26 requested to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

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2010-0352208  
07/28/2010 08:00A  
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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on June 29, 2010, finds and concludes that:

4 1. WHEREAS, the substandard structure (single family dwelling) and accumulation of  
5 rubbish on the real property located at 83170 Alvarado Avenue, Thermal, Riverside County,  
6 California, also identified as Assessor's Parcel Number 767-451-014 violates Riverside County  
7 Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public  
8 nuisance.

9 2. WHEREAS, THE OWNERS, occupants and any person having possession or control  
10 of THE PROPERTY shall abate the substandard structure conditions by razing, removing and  
11 disposing of the substandard structure, including the removal and disposal of all structural debris and  
12 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that  
13 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
14 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days.

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (single family dwelling) on  
26 THE PROPERTY be abated by the OWNERS, Candelario Felix and Sara L. Felix, or anyone having  
27 possession or control of THE PROPERTY, by razing and removing the substandard structure  
28 including the removal and disposal of all structural debris and materials, as well as the contents

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07/29/2010 08:00A  
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1 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and  
2 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
3 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
4 posting and mailing of this Order to Abate Nuisance.

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

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

19 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
20 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
21 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
22 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)  
23 within ninety (90) days of the date of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an



1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
5 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
7 expenses reasonably related to the abatement of conditions which violate County Land Use  
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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FORM APPROVED COUNTY COUNSEL  
BY: L. Alexander Fong DATE 7/27/10

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

4 Dated: July 27, 2010

COUNTY OF RIVERSIDE

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

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11  
12 By Kambigiton

13 Deputy

14 (SEAL)



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07/28/2010 08:00A  
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**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:

7-27-10

Signature:

*Karen Barton*

Print Name:

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



## NOTICE LIST

Subject Property: 83170 Alvarado Avenue, Thermal  
Case No.: CV 09-12615 APN: 767-451-014; District 4

CANDELARIO FELIX  
SARA L. FELIX  
83170 ALVARADO AVENUE  
THERMAL, CA 92274

CANDELARIO FELIX  
SARA L. FELIX  
51761 LORENZA LANE  
COACHELLA, CA 92236

AMERICAN GENERAL FINANCE  
81106 HIGHWAY 111, SUITE 4D  
INDIO, CA 92201

INTEGRATED LENDER SERVICES  
2411 WEST LA PALMA AVENUE  
SUITE 350, BUILDING NO. 1  
ANAHEIM, CA 92801

FIRESIDE BANK  
5050 HOPYARD ROAD #200  
PLEASANTON, CA 94588



# Track & Confirm

## Search Results

Label/Receipt Number: **7009 3410 0000 1317 7960**  
Service(s): **Certified Mail™**  
Status: **Notice Left**

We attempted to deliver your item at 1:07 pm on August 19, 2010 in COACHELLA, CA 92236 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to [www.usps.com/redelivery](http://www.usps.com/redelivery), or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 15 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

### Detailed Results:

- **Notice Left, August 19, 2010, 1:07 pm, COACHELLA, CA 92236**
- **Arrival at Unit, August 19, 2010, 7:58 am, COACHELLA, CA 92236**

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

7009 3410 0000 1317 7960

U.S. Postal Service <sup>TM</sup>		
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
<b>OFFICIAL USE</b>		
Postage	\$ .61	MAILED 8/18/10  Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.71</b>	
Sent <sup>TM</sup> CANDELARIO FELIX		
Street SARA L FELIX		
or P.O. 51761 LORENZA LANE		
City COACHELLA CA 92236		
PS Form 3800, August 2006		See Reverse for Instructions

# NOTICE LIST

Subject Property: 83170 Alvarado Avenue, Thermal  
Case No.: CV 09-12615 APN: 767-451-014; District 4

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FIRESIDE BANK  
5050 HOPYARD ROAD #200  
PLEASANTON CA 94588

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 *[Signature]*  Addressee
- B. Received by *[Signature]* (Printed Name)  Addressee
- C. Date of Delivery *AUG 22 2010*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number *CV 09-12615 (Felix) FR 5*  
(Transfer from service label) 7009 3410 0000 1317 7922

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

INTEGRATED LENDER SERVICES  
2411 WEST LA PALMA AVENUE  
SUITE 350 BUILDING NO 1  
ANAHEIM, CA 92801

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 *[Signature]*  Addressee
- B. Received by (Printed Name) *Bernie Sotelo* C. Date of Delivery *8/19*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number *CV 09-12615 (Felix) FR 5*  
(Transfer from service label) 7009 3410 0000 1317 7939

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

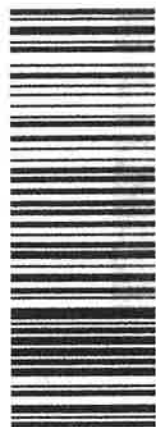


# NOTICE LIST

Subject Property: 83170 Alvarado Avenue, Thermal  
Case No.: CV 09-12615 ANN 767-451-014; District 4

Office of County Counsel  
3960 Orange Street, 5th Floor  
Riverside, CA 92501

CERTIFIED MAIL™



7009 3410 0000 1317 7953



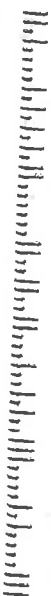
RETURNED TO SENDER  
UNDELIVERABLE AS ADDRESSED  
NO SUFFICIENT ADDRESS  
OTHER (NO SUCH NUMBER)  
ROUTE #

CANDELARIO FELIX  
SARA L FELIX  
83170 ALVARADO AVENUE  
THERMAL (

NIXIE 923 DE 1 00 08/19/10

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 92501364405 \*11004-06021-19-40



923 DE 1 00 08/20/10

NIXIE 923 DE 1 00 08/20/10  
RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD  
BC: 92501364405 \*11004-05796-19-42

AMERICAN GENERAL FINANCE  
81106 HIGHWAY 111 SUITE 4D  
INDIO CA 92344

*[Handwritten signature]*

9442 2121 0000 0146 6002



Office of County Counsel  
3960 Orange Street, 5th Floor  
Riverside, CA 92501





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

August 26, 2010

RE CASE NO: CV0912615

I, George Eliseo, 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 8/23/2010 at 10:15 AM, I securely and conspicuously posted Finding of Facts at the property described as:

**Property Address:** 83170 ALVARADO AVE, THERMAL

**Assessor's Parcel Number:** 767-451-014

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

Executed on August 26, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: George Eliseo, Code Enforcement Officer

**PROOF OF SERVICE**

Case No. CV 09-12615

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on August 18, 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)**

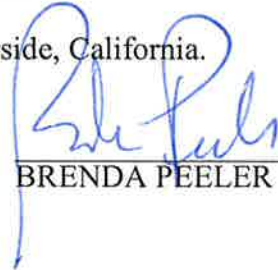
**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

**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 August 18, 2010, at Riverside, California.

  
BRENDA PEELER

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