

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

407B



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

**SUBMITTAL DATE:**  
October 6, 2010

**SUBJECT:** Order to Abate [Accumulation of Rubbish]  
Case No: CV 10-01852 (ROACH)  
Subject Property: 61785 Crest Street, Desert Hot Springs; APN: 667-211-043  
District: 5

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01852 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 10-01852 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 10-01852.

Departmental Concurrence

(Continued)

*L. Alexandra Fong*  
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

**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:

*Tina Grande*  
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: October 19, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

2.22

Policy ☐

Consent ☒

Policy ☐

Consent ☒

Dept's Recomm.:

Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No. CV 10-01852; ROACH  
61785 Crest Street, Desert Hot Springs  
Page 2

**BACKGROUND:**

On September 28, 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 accumulated rubbish 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 Findings of Fact, Conclusions and Order to Abate.



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

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

[EXEMPT'6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-01852  
[ACCUMULATION OF RUBBISH]; APN 667- )  
211-043, 61785 CREST STREET, DESERT HOT ) FINDINGS OF FACT,  
SPRINGS, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; EDDIE LEE ROACH AND ) ABATE NUISANCE  
CHARLES ROACH, OWNERS. )  
 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
 ) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on September 28, 2010 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, and further described as Assessor's Parcel Number 667-211-043 referred to hereinafter as "THE PROPERTY."

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

Owners did not appear.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

///

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that no other parties potentially hold a legal interest in  
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 5, 2010,  
7 March 8, 2010, May 11, 2010, August 3, 2010 and September 23, 2010.

8 4. During each inspection, an accumulation of rubbish was observed on THE  
9 PROPERTY. The rubbish consisted of, but was not limited to: wood, trash, debris, furniture, barrels,  
10 televisions, 15 tires and other miscellaneous items.

11 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
12 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

13 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
14 County of Riverside, State of California on March 17, 2010 as instrument number 2010-0123088.

15 7. On March 8, 2010 a Notice of Violation was posted on THE PROPERTY. On March  
16 31, 2010 a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS.

17 8. On August 2, 2010, a "Notice to Correct County Ordinance Violations and Abate  
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on  
19 September 28, 2010 was mailed by certified mail, return receipt requested, to the OWNERS and was  
20 posted on THE PROPERTY on August 3, 2010.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on September 28, 2010, finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at 61785 Crest  
25 Street, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number  
26 667-211-043 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

27 2. WHEREAS, THE OWNERS, or any person having possession or control of the  
28 premises shall abate the condition by removing and disposing all accumulated rubbish from the subject



1 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
2 Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be  
9 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
10 and disposing of all rubbish from the subject real property in strict accordance with all Riverside  
11 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
12 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

13 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
14 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
15 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish  
16 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a  
17 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order  
18 authorizing entry onto THE PROPERTY when necessary under applicable law.

19 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
20 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
21 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
22 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
23 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
24 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
25 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
26 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

27 ///

28 ///



FORM APPROVED COUNTY COUNSEL  
BY: 10/19/10 DATE  
L. ALEXANDRA FONG

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

4 Dated: October 19, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

12 By L. Alexander Fong  
13 Deputy

15 (SEAL)



2010-0518125  
10/28/2010 08:00A  
4 of 5



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

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

<http://riverside.asrclkrec.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)

2010-0518125  
10/28/2010 08:00A  
5 of 5



Date:

10-19-10

Signature:

*Karen Barton*

Print Name:

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

# NOTICE LIST

Subject Property: 61785 Crest Street, Desert Hot Springs  
Case No.: CV 10-01852 APN: 667-211-043; District 5

EDDIE LEE ROACH  
CHARLES ROACH  
PO BOX 1158  
DESERT HOT SPRINGS, CA 92240

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 <input checked="" type="checkbox"/> <i>Charles Roach</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Charles Roach</i> C. Date of Delivery <i>4/11/97</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>EDDIE LEE ROACH CHARLES ROACH PO BOX 1158 DESERT HOT SPRINGS, CA 92240</b></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</p>
<p>2. Article Number (Transfer from service label)</p> <p><i>CV 10-01852 (Roach) For</i></p> <p><b>7010 0290 0002 1422 3865</b></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02



**PROOF OF SERVICE**

Case No. CV 10-01852

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 November 8, 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.

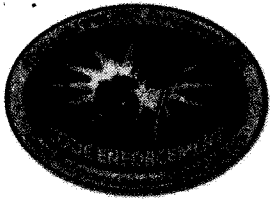
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 November 8, 2010, at Riverside, California

  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**GLENN BAUDE**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

November 16, 2010

RE CASE NO: CV1001852

I, Michael Bowles, 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 11/16/2010 at 9:50am, I securely and conspicuously posted Finding of Facts, Conclusions and Order to Abate Nuisance at the property described as:

**Property Address:** 61785 Crest Street, 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 November 16, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in black ink, appearing to read "Michael Bowles, Sr.", is written over a horizontal line.

By: Michael Bowles, Sr. Code Enforcement Officer