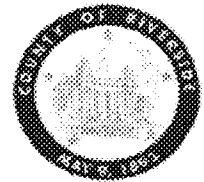


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

711B



SUBMITTAL DATE:  
April 28, 2010

FROM: County Counsel/TLMA  
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]  
Case No.: CV 10-00334 (GONZALES)  
Subject Property: 18050 Rice Road, Desert Center  
APN: 810-020-001  
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-00334 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 10-00334; 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 10-00334.

(Continued)

JULIE A. 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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

Dept't Recomm.:  
X Consent  
Policy ☐

Per Exec. Ofc.:  
Per Exec. Ofc. ☒ Consent  
Policy ☐

Prev. Agn. Ref.: 04/06/10 9.5

District: 4

Agenda Number:

2.15

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 10-00334

Subject Property: 18050 Rice Road, Desert Center

APN: 810-020-001

District Four

**BACKGROUND:**

On April 6, 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 structures (dwelling, garage and agricultural building) 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:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3  
4  
5

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

[EXEMPT'6103]

9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**  
11

12 IN RE ABATEMENT OF PUBLIC NUISANCE: )	CASE NO. CV 10-00334
[SUBSTANDARD STRUCTURES AND )	
13 ACCUMULATION OF RUBBISH]; APN 810-020- )	FINDINGS OF FACT,
001, 18050 RICE ROAD, DESERT CENTER, )	CONCLUSIONS AND ORDER TO
14 RIVERSIDE COUNTY, CALIFORNIA; JAMES )	ABATE NUISANCE
GONZALES, OWNER. )	
15 )	[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 April 6, 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 18050 Rice Road, Desert Center, Assessor's Parcel Number 810-020-001 and referred to  
20 hereinafter as "THE PROPERTY."

21 Julie A. 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 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structures 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

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as James Gonzales ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Susan Feller, Esq., Internal Revenue Service, State of California Franchise Tax Board, Richard B. Beck, Esq., Canyon Lake Homeowners Association and the City of Riverside ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on January 14, 2010, March 15, 2010 and March 30, 2010.

4. During each inspection, three substandard structures (dwelling, garage and agricultural building) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: 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; faulty weather protection; general dilapidation or improper maintenance and public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: over 100 tires, wood, household trash, metal poles, green waste, broken furniture, broken glass, broken windows, metal siding, metal drums, small appliances, a truck shell, clothes, swamp cooler, miscellaneous car parts, televisions, patio furniture, and other miscellaneous items.

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 was recorded on January 28, 2010, as Document Number 2010-0039006 in the Office of the County Recorder, County of Riverside.

8. On January 14, 2010, Notices of Violation, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On February 2, 2010, Notices of Violation for the substandard structures and accumulation of rubbish were mailed to OWNER and INTERESTED

1 PARTIES by certified mail, return receipt requested.

2 9. On March 11, 2010, a "Notice to Abate Nuisance" providing notice of the public  
3 hearing before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt  
4 requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on  
5 March 15, 2010.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
8 regular session assembled on April 6, 2010, finds and concludes that:

9 1. WHEREAS, the substandard structures (dwelling, garage and agricultural building)  
10 and accumulation of rubbish on the real property located at 18050 Rice Road, Desert Center,  
11 Riverside County, California, also identified as Assessor's Parcel Number 810-020-001 violates  
12 Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and  
13 constitutes a public nuisance.

14 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
15 of THE PROPERTY should abate the substandard structures condition by razing, removing and  
16 disposing of the substandard structures, including the removal and disposal of all structural debris  
17 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided  
18 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
19 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
20 (90) days.

21 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
22 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of  
23 all rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances,  
24 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

25 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY  
26 FURTHER NOTICED that the time within which judicial review of the administrative determinations  
27 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,  
28 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure

1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structures (dwelling, garage and  
4 agricultural building) on THE PROPERTY be abated by the OWNER, James Gonzales, or anyone  
5 having possession or control of THE PROPERTY, by razing and removing the substandard structures  
6 including the removal and disposal of all structural debris and materials, as well as the contents  
7 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and  
8 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
9 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
10 posting and mailing of this Order to Abate Nuisance.

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

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

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
26 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
27 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)

1 within ninety (90) days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
5 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
6 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
7 owner's consent or a Court Order when necessary under applicable law.

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

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

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

COUNTY OF RIVERSIDE

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

7  
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11  
12 By

13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE 4/13/10