

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

711B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 20, 2010

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*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: May 18, 2010

xc: Co.Co.(3); Recorder

Kecia Harper-Ihem

Clerk of the Board

By: *Karen Batten*
Deputy

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

DOC # 2010-0231052
05/19/2010 08:00A Fee:NC
Page 1 of 7
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

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

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[EXEMPT'6103]

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

11 **C**
508

12 IN RE ABATEMENT OF PUBLIC NUISANCE:
13 [SUBSTANDARD STRUCTURES AND
14 ACCUMULATION OF RUBBISH]; APN 810-020-
001, 18050 RICE ROAD, DESERT CENTER,
RIVERSIDE COUNTY, CALIFORNIA; JAMES
GONZALES, OWNER.

CASE NO. CV 10-00334

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)]

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



PARTIES by certified mail, return receipt requested.

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

FINDINGS AND CONCLUSIONS

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

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

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

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

4. WHEREAS, THE OWNER AND INTERESTED PARTIES 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.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (dwelling, garage and agricultural building) on THE PROPERTY be abated by the OWNER, James Gonzales, or 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 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County 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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2010-0231052
05/19/2010 08:00A
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FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi DATE: 4/13/10

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

Dated: May 18, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Bauton
Deputy
(SEAL)



2010-0231052
05/19/2010 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.asrec.krec.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:

5-18-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 18050 Rice Road, Desert Center
Case No.: CV 10-00334 APN: 810-020-001; District 4

JAMES GONZALES
22210 VILLAGE WAY
CANYON LAKE, CA 92587

INTERNAL REVENUE SERVICE
PO BOX 145585 STOP 8420G
CINCINNATI, OH 45250

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 2952
SACRAMENTO, CA 95812

RICHARD B. BECK, ESQ.
LAW OFFICES OF BECK & GREER
31582 RAILROAD CANYON ROAD
CANYON LAKE, CA 92587

CANYON LAKE PROPERTY OWNERS ASSOCIATION
C/O FIORE, RACOBS & POWERS
6820 INDIANA AVE., STE. 250
RIVERSIDE, CA 92506

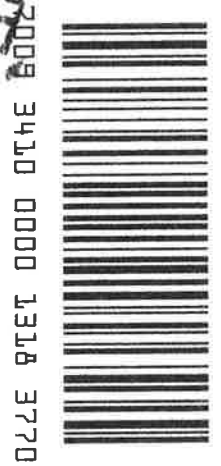
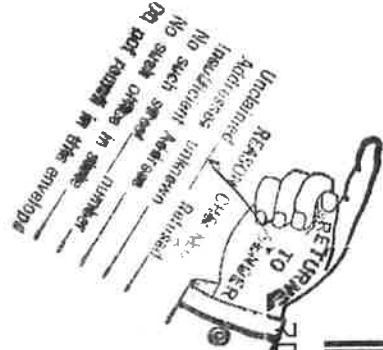
CITY OF RIVERSIDE
GREG PRIAMOS, CITY ATTORNEY
3900 MAIN STREET, FIFTH FLOOR
RIVERSIDE, CA 92522

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ 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.	<p>A. Signature <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Agent <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
1. Article Addressed to: CANYON LAKE PROPERTY OWNERS ASSOC C/O FIORE RACOBS & POWERS 6820 INDIANA AVENUE SUITE 250 RIVERSIDE CA 92506	<p>B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
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 checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

NOTICE LIST

Subject Property: 18050 Rice Road, Desert Center
Case No.: CV 10-00334 APN: 810-020-001; District 4

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



CERTIFIED MAIL

JAMES GONZALES
22210 VILLAGE WAY
CANYON LA, CA 92587

NIXIE

923 DE 1 06 07/01/10
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *1577-04366-01-41



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:

CITY OF RIVERSIDE
GREG PRIAMOS CITY ATTY
3900 MAIN STREET FIFTH FL
RIVERSIDE, CA 92522

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X

B. Received by (Printed Name)

☐ Agent
☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1B? ☐ Yes ☐ No
If YES, enter delivery address below:



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

(Transfer from service label)

7009 3410 0000 1318 3725

PS Form 3811, February 2004

Domestic Return Receipt

102586-02-M-1540

NOTICE LIST

Subject Property: 18050 Rice Road, Desert Center
Case No.: CV 10-00334 APN: 810-020-001; District 4

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>INTERNAL REVENUE SERVICE PO BOX 145585 STOP 8420G CINCINNATI OH 45250</p>		<p>1. Article Addressed to:</p> <p>RICHARD B BECK ESQ LAW OFFICE OF BECK & GREER 31582 RAILROAD CANYON ROAD CANYON LAKE CA 92587</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7009 3410 0000 1318 3756</p>		<p>2. Article Number (Transfer from service label)</p> <p>7009 3410 0000 1318 3763</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>		<p>4. Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>	
<p>5. Signature</p> <p><i>[Signature]</i></p>		<p>5. Signature</p> <p><i>[Signature]</i></p>	
<p>6. Received by (Printed Name)</p> <p><i>[Name]</i></p>		<p>6. Received by (Printed Name)</p> <p><i>[Name]</i></p>	
<p>7. Date of Delivery</p> <p>JUN 14 2010</p>		<p>7. Date of Delivery</p> <p>JUN 10 2010</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p>STATE OF CALIFORNIA FRANCHISE TAX BOARD PO BOX 2952 SACRAMENTO CA 95812</p>	<p>1. Article Addressed to:</p> <p>STATE OF CALIFORNIA FRANCHISE TAX BOARD PO BOX 2952 SACRAMENTO CA 95812</p>
<p>2. Article Number (Transfer from service label)</p> <p>7009 3410 0000 1318 3749</p>	<p>2. Article Number (Transfer from service label)</p> <p>7009 3410 0000 1318 3749</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>4. Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>	<p>4. Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>
<p>5. Signature</p> <p><i>[Signature]</i></p>	<p>5. Signature</p> <p><i>[Signature]</i></p>
<p>6. Received by (Printed Name)</p> <p><i>[Name]</i></p>	<p>6. Received by (Printed Name)</p> <p><i>[Name]</i></p>
<p>7. Date of Delivery</p> <p>JUN 10 2010</p>	<p>7. Date of Delivery</p> <p>JUN 10 2010</p>

Case No. CV 10-00334

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 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on June 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 June 8, 2010, at Riverside, California.

BRENDA PEELER



John Boyd
DIRECTOR

Code Enforcement Department
County Of Riverside
Thousand Palms District Office
31-290 Plantation Drive
Thousand Palms, California 92276
(760)343-4150 – Fax (760) 343-0882

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV1000334

I, George Gianos , hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
31290 Plantation Drive
Thousand Palms, Ca. 92276

2. That on 06-10-10 10:30 am., I securely and conspicuously posted a Findings of Fact, Conclusions and Order to Abate Nuisance, at the property described as:

Property Address: 18050 Rice Road, Desert Center

Assessor's Parcel Number: 810-020-001

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

Executed on 06-10-10 at Thousand Palms, California.

CODE ENFORCEMENT DEPARTMENT

By: _____

G. Gianos, Senior Code Enforcement Officer