

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

602B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 21, 2013

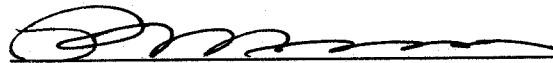
SUBJECT: Order to Abate [Unpermitted Construction & Unpermitted Outdoor Advertising Display]
Case No. : CV10-01241 [GONZALES]
Subject Property: Vacant Lot on Highway 74, Perris; APN: 349-060-043
District: 1/5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-01241 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. CV10-01241; 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. CV10-01241.

Departmental Concurrence

(Continued)


PATRICIA MUNROE, 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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

By 
Tina Grande

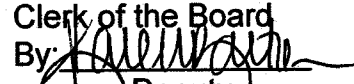
County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: March 12, 2013
xc: Co.Co.; Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

2-8

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

Abatement of Public Nuisance
Case No.: CV10-01241 [GONZALES]
Vacant Lot on Highway 74, Perris
APN#349-060-043
District 1/5
Page 2

BACKGROUND:

On January 15, 2013, 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 unpermitted construction (illegal billboard) and unpermitted outdoor advertising display 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, Conclusions and Order to Abate.

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

DOC # 2013-0131107
03/19/2013

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 10-01241
12 [UNPERMITTED CONSTRUCTION AND)	
13 UNPERMITTED OUTDOOR ADVERTISING)	FINDINGS OF FACT,
14 DISPLAY]; APN 349-060-043, VACANT LOT)	CONCLUSIONS AND ORDER TO
15 ON HIGHWAY 74, PERRIS, RIVERSIDE)	ABATE NUISANCE
16 COUNTY, CALIFORNIA;)	
17 JAMES A. GONZALES, OWNER.)	R.C.O. Nos. 348, 457 and 725

17 The above-captioned matter came on regularly for hearing on January 15, 2013, before
18 the Board of Supervisors of the County of Riverside, State of California in the Board Room, First
19 Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding
20 the real property described as Vacant Lot on Highway 74, Perris, Assessor's Parcel Number 349-
21 060-043 and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the unpermitted construction (illegal billboard) and unpermitted
27 outdoor advertising display on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348 and 457 and as a public nuisance.

COPY

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Raymond G. Robinson, Esq., John Siciliano, Esq., Law Offices of John
6 M. Siciliano, Erin A. Maloney, Esq., Fiore, Racobs and Powers, A Professional Law Corporation
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 18, 2012,
9 November 15, 2012 and January 9, 2013.

10 4. During each inspection, unpermitted construction (illegal billboard) and unpermitted
11 outdoor advertising display was observed on THE PROPERTY.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 Nos. 348 and 457 by the Code Enforcement Officer.

14 6. On December 19, 2011, a Notice of Pendency of Administrative Proceeding was
15 recorded at the Riverside County Recorder's Office as instrument number 2011-0558996.

16 7. On October 18, 2012, a Notice of Violation was mailed to OWNER and
17 INTERESTED PARTIES by regular U.S. mail. On October 22, 2012, Notice of Violation was
18 personally served to OWNER.

19 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
20 providing notice of the public hearing before the Board of Supervisors was mailed and personally
21 served to OWNER and was mailed to INTERESTED PARTIES and was posted on THE
22 PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on January 15, 2013, finds and concludes that:

26 1. WHEREAS, the unpermitted construction (illegal billboard) and unpermitted outdoor
27 advertising display on the real property located at Vacant Lot on Highway 74, Perris, Riverside
28 County, California, also identified as Assessor's Parcel Number 349-060-043 violates Riverside

1 County Ordinance Nos. 348 and 457 and constitutes a public nuisance.

2 2. WHEREAS, the OWNER, occupants and any person having possession or control of
3 THE PROPERTY shall abate the unpermitted construction (illegal billboard) and unpermitted
4 outdoor advertising display by razing, removing and disposing of the illegal billboard and outdoor
5 advertising display, including the removal and disposal of all structural debris and materials, and
6 contents therein or by reconstruction and rehabilitation of said structure provided that said
7 reconstruction or demolition can be accomplished in strict accordance with all Riverside County
8 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 457 within ninety
9 (90) days.

10 3. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
11 NOTICED that the time within which judicial review of the administrative determinations made
12 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
13 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
14 Section 1094.6.

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the unpermitted construction (illegal billboard) and
17 unpermitted outdoor advertising on THE PROPERTY be abated by the OWNER, specifically James
18 A. Gonzales, or anyone having possession or control of THE PROPERTY, by razing and removing
19 the illegal billboard and unpermitted outdoor advertising including the removal and disposal of all
20 structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation
21 of said structure provided such reconstruction and rehabilitation can be accomplished in strict
22 accordance with all Riverside County Ordinances, including but not limited to Riverside County
23 Ordinance Nos. 348 and 457 within ninety (90) days of the posting and mailing of this Order to
24 Abate Nuisance.

25 IT IS FURTHER ORDERED that if the unpermitted construction (illegal billboard) and
26 unpermitted outdoor advertising is not razed, removed and disposed of, or reconstructed and
27 rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited to
28 Riverside County Ordinance Nos. 348 and 457, within ninety (90) days of the posting and mailing of

1 this Order to Abate Nuisance, the unpermitted construction (illegal billboard) and unpermitted
2 outdoor advertising, contents therein, and structural debris and materials, may be abated and
3 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor,
4 or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,
5 under applicable law authorizing entry onto THE PROPERTY.

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

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 348, 457 and 725. Under Riverside County Ordinance No. 725, "abatement
16 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
17 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
18 collection and administrative costs, attorneys fees, and the costs associated with the removal or
19 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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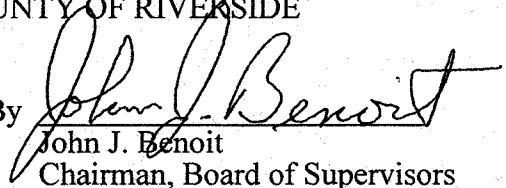
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1 Department will be recoverable from OWNER even if THE PROPERTY is brought into compliance
2 within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: March 12, 2013

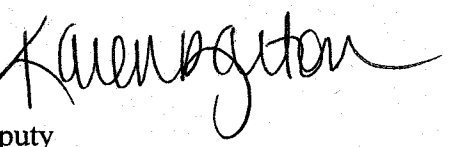
COUNTY OF RIVERSIDE

By 
John J. Benoit
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By 

Deputy

(SEAL)



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

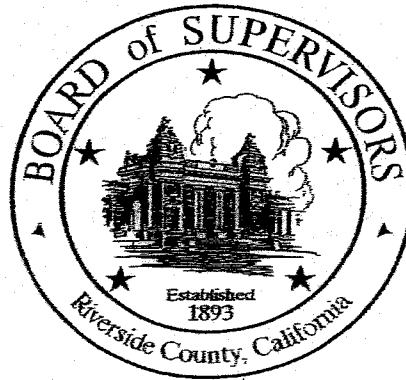
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcfrec.com>

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: 03-12-13

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board