

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

710B



FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE:
July 17, 2006

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
B&S Case Nos.: CV05-5412 and CV05-5477
Subject Property: 9306 Jurupa Road, Riverside
APN: 167-231-002
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV05-5412 and CV05-5477 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 Nos. CV05-5412 and CV05-5477; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV05-5412 and CV05-5477.

BACKGROUND:

On July 11, 2006 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 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, Conclusion and Order to Abate.

Departmental Concurrence

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, 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

County Executive Office Signature

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 2

Agenda Number:

2.9

SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in
5 THE PROPERTY, to-wit: El Dorado Bank, National Bancorp, American Coast Title Company,
6 Kabil and Aghavny Tchetchenian, First American Title Company, HVN Environmental Service
7 Co., L. Damian, First Independent Trust Deed Service, and the California State Board of
8 Equalization ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on November 3,
10 2005, December 28, 2005, March 31, 2006, May 17, 2006 and July 7, 2006.

11 4. During each inspection, a substandard structure (gas station with bay cover) was
12 observed on THE PROPERTY. The structure was observed as abandoned, dilapidated and
13 vacant. The structure contained numerous deficiencies, including but not limited to: Members
14 of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or
15 buckle due to defective material or deterioration; faulty weather protection; abandoned, vacant,
16 public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: large pieces of furniture, chairs, mattresses,
19 couches, metal cabinet, trash, shopping carts, electronic components, metal, plastic, tires, and
20 clothing. The accumulation of rubbish was determined to be approximately one hundred (100)
21 square feet.

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

24 7. A Notice of Noncompliance for the substandard structure was recorded on December
25 9, 2005 as Document Number 2005-1021138 in the Office of the County Recorder, County of
26 Riverside. A Notice of Noncompliance for the accumulation of rubbish was recorded on April 24,
27 2006 as Document Number 2006-0292652 in the Office of the County Recorder, County of
28 Riverside.

1 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing
2 all rubbish on THE PROPERTY. If the accumulation of rubbish is not removed and disposed of in
3 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,
5 the accumulation of rubbish shall be abated by representatives of the Riverside County Department
6 of Building and Safety, a contractor or the Sheriff's Department upon receipt of an owner's consent
7 or a Court Order when necessary under applicable law within ninety (90) days of the posting and
8 mailing of this order.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
13 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
14 expenses reasonably related to the abatement of conditions which violate County Land Use
15 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
16 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
17 violation." Reasonable abatement costs accrued by the Department of Building and Safety will be
18 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
19 (90) days of the date of this Order to Abate Nuisance.

20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

g:\property\01-code\bs\abatement\toprakjian\fof.doc