

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

315 B



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

**SUBMITTAL DATE:**  
November 1, 2006

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure and Accumulation of Rubbish];  
Case No.: CV 06-0632  
Subject Property: 9306 Jurupa Road, Riverside; APN: 167-231-003

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-0632 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 06-0632; 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 06-0632.

**BACKGROUND:**

On October 31, 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.

*Warren Chu*

WARREN CHU, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
	Annual Net County Cost:	\$ N/A	For Fiscal Year:

<b>SOURCE OF FUNDS:</b>	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

*Joe Grande*

Dept's Recomm. Per Exec. Ofc.  Consent  Policy  Consent  Policy

Prev. Agn. Ref.:

District: 2

Agenda Number:

2 . 13

1 WHEN RECORDED PLEASE MAIL TO:  
2 Warren Chu, Deputy County Counsel  
3 County of Riverside  
4 OFFICE OF COUNTY COUNSEL  
5 3535 Tenth Street, Suite 300 (Stop #1350)  
6 Riverside, CA 92501

[EXEMPT'6103]

7 **BOARD OF SUPERVISORS**  
8 **COUNTY OF RIVERSIDE**

9 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 06-0632  
10 [SUBSTANDARD STRUCTURE AND )  
11 ACCUMULATION OF RUBBISH]; APN 167-231- )  
12 003, 9306 JURUPA ROAD, RIVERSIDE, )  
13 RIVERSIDE COUNTY, CALIFORNIA; LUCY )  
14 TOPRAKJIAN, OWNER. )  
15 ) [R.C.O. Nos. 457 (RCC Title 15), 541  
16 ) (RCC Chapter 8.120), and 725 (RCC  
17 ) Title 1)]

18 The above-captioned matter came on regularly for hearing on October 31, 2006 before the  
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
21 property described as 9306 Jurupa Road, Riverside, Assessor's Parcel Number 167-231-003 and  
22 referred to hereinafter as "THE PROPERTY."

23 Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code  
24 Enforcement Division Manager, on behalf of the Code Enforcement Department ("Department").

25 Owner, Lucy Toprakjian, appeared and addressed the Board.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
27 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE  
28 PROPERTY as a public nuisance and violations of Riverside County Ordinance Nos. 457 and 541 as  
codified in Riverside County Code ("RCC") Title 15 and Chapter 8.120 respectively.

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**SUMMARY OF EVIDENCE**

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

4           2.       Documents of title at the time of the inspection indicated that other parties potentially  
5 hold a legal interest in THE PROPERTY, to-wit: El Dorado Bank, National Bancorp, American  
6 Coast Title Company, Inc., Kabil Tchetchenian & Aghavny Tchetchenian, First American Title  
7 Insurance Company, HVN Environmental Service Company Inc., L. Damian, State of California  
8 Board of Equalization, County Records of Research Trustee Division and First Independent Trust  
9 Deed Services ("INTERESTED PARTIES").

10          3.       THE PROPERTY has been inspected by Code Enforcement Officers on February 8,  
11 July 10, and September 19, 2006.

12          4.       During each inspection, a substandard structure (single family residence) was  
13 observed on THE PROPERTY. The structure was covered with mold throughout the walls and  
14 ceiling and was observed as abandoned, dilapidated, and vacant. The structure contained numerous  
15 deficiencies, including but not limited to: lack of or improper water closet, lavatory, bathtub, shower  
16 or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; lack  
17 of required electrical lighting; hazardous and exposed wiring; lack of adequate heating facilities;  
18 members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective  
19 material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal  
20 members which sag, split or buckle due to defective material or deterioration; dampness of habitable  
21 rooms; faulty weather protection with deteriorated or ineffective weather proofing of exterior walls,  
22 roof or floors including broken windows or doors, lack of paint, or other approved wall covering;  
23 general dilapidation or improper maintenance; and public and attractive nuisance.

24          5.       During each inspection an accumulation of rubbish was observed throughout THE  
25 PROPERTY consisting of but not limited to: wood, trash, weeds, appliances, auto parts, bottles,  
26 cans, glass debris, cardboard, food waste, old scrap wood, scrap metal, building materials, and  
27 miscellaneous items.

28          6.       THE PROPERTY was determined to be in violation of Riverside County Ordinance

1 Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

2 7. A Notice of Noncompliance for the substandard structure and accumulation of  
3 rubbish was recorded on March 9, 2006 as Document Number 2006-0169422 in the Office of the  
4 County Recorder, County of Riverside.

5 8. On February 8, 2006, Notices of Violation and a Notice of Defects for violation of  
6 RCO Nos. 457 and 541 were posted on THE PROPERTY. On February 21, 2006, a Notice of  
7 Violation and a Notice of Defects for the substandard structure was mailed to OWNER and  
8 INTERESTED PARTIES by certified mail, return receipt requested. On February 28, 2006, a Notice  
9 of Violation for the accumulation of rubbish was mailed to OWNER and INTERESTED PARTIES  
10 by certified mail, return receipt requested. On May 10, 2006, Notices of Violation and Notices of  
11 Defects for the substandard structure and accumulation of rubbish were mailed by certified mail with  
12 return receipt requested to the OWNER and INTERESTED PARTIES.

13 9. On September 18, 2006, a "Notice To Abate Nuisance" providing notice of the public  
14 hearing before the Board of Supervisors on October 31, 2006 was mailed by certified mail, return  
15 receipt requested, to THE PROPERTY OWNER and INTERESTED PARTIES and posted on THE  
16 PROPERTY on September 19, 2006.

17 **FINDINGS AND CONCLUSIONS**

18 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
19 regular session assembled on October 31, 2006 finds and concludes that:

20 1. WHEREAS, the substandard structure (single family dwelling) and accumulation of  
21 rubbish on the real property located at 9306 Jurupa Road, Riverside, Riverside County, California,  
22 also identified as Assessor's Parcel Number 167-231-003 violates Riverside County Ordinance No.  
23 457 and 541 and constitutes a public nuisance.

24 2. WHEREAS, THE PROPERTY OWNER, occupants or any person having possession  
25 or control of the premises should abate the substandard structure condition by razing, removing and  
26 disposing of the substandard structure, including the removal and disposal of all structural debris and  
27 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that  
28 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
2 days.

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

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the substandard structure (single family dwelling) on  
14 THE PROPERTY be abated by THE PROPERTY OWNER, specifically Lucy Toprakjian or anyone  
15 having possession or control of THE PROPERTY, by razing and removing the substandard structure  
16 including the removal and disposal of all structural debris and materials, as well as the contents  
17 therein, or by reconstruction and rehabilitation of said structure provided such  
18 reconstruction/rehabilitation or demolition can be accomplished in strict accordance with all  
19 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457  
20 (RCC Chapter 15.12) within ninety (90) days of the date of this order.

21 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
22 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
23 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
24 days of the date of this Order, the substandard structure, contents therein, and structural debris and  
25 materials, shall be abated by representatives of the Riverside County Code Enforcement Department,  
26 a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
27 necessary under applicable law authorizing entry onto THE PROPERTY.

28 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of

1 asbestos containing materials in said structure by survey and materials sample testing by a duly  
2 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
3 the removal of all asbestos containing materials discovered through such survey and testing by  
4 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
5 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

6 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
7 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing  
8 all rubbish on THE PROPERTY.

9 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
10 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
11 Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order, the  
12 accumulation of rubbish shall be abated by representatives of the Riverside County Code  
13 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
14 consent or a Court Order when necessary under applicable law within ninety (90) days of the posting  
15 and mailing of this order.

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

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO  
Clerk to the Board

By  
Deputy

(SEAL)

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