

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

821 B



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

**SUBMITTAL DATE:**  
November 9, 2007

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case No.: CV 07-4164  
Subject Property: 56021 Highway 111, Thermal  
APN: 757-041-010  
District Four

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4164 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 07-4164; 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 07-4164.

(Continued)

*[Handwritten Signature]*

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

BY: *Alex Gann*  
Alex Gann

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 11/6/07; 9.1

District: 4

Agenda Number:

2 . 12

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 07-4164

Subject Property: 56021 Highway 111, Thermal

APN: 757-041-010

District Four

**BACKGROUND:**

On November 6, 2007 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 (commercial office 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.

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WHEN RECORDED PLEASE MAIL TO:  
Tiffany N. North, Deputy County Counsel  
County of Riverside  
OFFICE OF COUNTY COUNSEL  
3535 Tenth Street, Suite 300 (Stop #1350)  
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NOS. CV 07-4164
[SUBSTANDARD STRUCTURE AND	)	
ACCUMULATION OF RUBBISH]; APN 757-041-	)	FINDINGS OF FACT,
010, 56021 HIGHWAY 111, THERMAL,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; ESTATE	)	ABATE NUISANCE
OF APOSTOLOS PALIOMBEIS, OWNER.	)	
	)	[R.C.O. Nos. 457 (RCC Title 15), 541
	)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on November 6, 2007, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described 56021 Highway 111, Thermal, Assessor's Parcel Number 757-041-010 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Stacy Paliombay, executor for the Estate of Apostolos Paliombeis, appeared and spoke with Tiffany N. North and Jim Monroe prior to the public hearing. She did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE

1 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title  
2 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner  
5 of THE PROPERTY as Estate of Apostolos Paliombeis. ("OWNER").

6 2. Documents of title indicate that no other party potentially holds a legal interest in  
7 THE PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 29, 2007,  
9 August 15, 2007, October 11, 2007, and November 5, 2007.

10 4. During each inspection, one substandard structure (commercial building) was  
11 observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and  
12 vacant. The structure contained numerous deficiencies, including but not limited to: extensive fire  
13 damage, collapsed walls, and abandoned, vacant, attractive and public nuisance.

14 5. During each inspection an accumulation of rubbish was observed throughout THE  
15 PROPERTY consisting of but not limited to: burned furniture, metal, appliances, tools,  
16 automobile parts, tires, brick, wood and miscellaneous debris.

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

19 7. A Notice of Noncompliance for the accumulation of rubbish was recorded on June 1,  
20 2007, as Document Number 2007-0363767 in the Office of the County Recorder, County of  
21 Riverside.

22 8. On May 29, 2007, a Notice of Violation, Notice of Defects and Danger Do Not Enter  
23 signs were posted on THE PROPERTY. On June 4, 2007, a Notice of Violation and Notice of  
24 Defects was mailed by certified mail, return receipt requested to OWNER.

25 9. On October 10, 2007, a "Notice To Abate Nuisance" providing notice of the public  
26 hearing before the Board of Supervisors on November 6, 2007 was mailed by certified mail, return  
27 receipt requested, to OWNER and was posted on THE PROPERTY on October 11, 2007.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on November 6, 2007 finds and concludes that:

4 1. WHEREAS, the substandard structure (commercial building) and accumulation of  
5 rubbish on the real property located at 56021 Highway 111, Thermal , Riverside County, California,  
6 also identified as Assessor's Parcel Number 757-041-010 violates Riverside County Ordinance Nos.  
7 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

8 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
9 of THE PROPERTY should abate the substandard structure (commercial building) by razing,  
10 removing and disposing of the substandard structure, including the removal and disposal of all  
11 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said  
12 structure provided that said reconstruction or demolition can be accomplished in strict accordance  
13 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
14 457 within ninety (90) days.

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

19 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within  
20 which judicial review of the administrative determinations made herein must be sought is ninety (90)  
21 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate  
22 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structure (commercial building) on  
25 THE PROPERTY be abated by the OWNER, specifically Estate of Apostolos Paliombeis or anyone  
26 having possession or control of THE PROPERTY, by razing and removing the substandard structure  
27 including the removal and disposal of all structural debris and materials, as well as the contents  
28 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and

1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
3 posting and mailing of this Order to Abate Nuisance.

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

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

18 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
19 abated by OWNER or anyone having possession or control of THE PROPERTY by removing and  
20 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County  
21 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),  
22 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
4 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter  
5 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
6 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
7 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
8 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
9 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER  
10 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this  
11 Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy  
(SEAL)

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