

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

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FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 5, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 07-10611 & CV 07-10331
Subject Property: 66050 Highway 74, Mountain Center
APN: 636-233-002
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-10611 & CV 07-10331 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 07-10611 & CV 07-10331; 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 07-10611 & CV 07-10331.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, Interim 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*

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 12/23/08; 9.2 | **District:** 3 | **Agenda Number:**

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 07-10611 & CV 07-10331

Subject Property: 66050 Highway 74, Mountain Center

APN: 636-233-002

District Three

BACKGROUND:

On December 23, 2008 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 (gas station and store and a pump house) 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:
Julie A.K. Jarvi, 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 07-10611 &
[SUBSTANDARD STRUCTURES AND)	CV 07-10331
ACCUMULATION OF RUBBISH]; APN 636-233-))	
002, 66050 HIGHWAY 74, MOUNTAIN)	FINDINGS OF FACT,
CENTER, RIVERSIDE COUNTY, CALIFORNIA;))	CONCLUSIONS AND ORDER TO
KIUMARZ MAZAHERI, OWNER.)	ABATE NUISANCE
)	
)	[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 December 23, 2008, 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 66050 Highway 74, Mountain Center, Assessor's Parcel Number 636-233-002 and referred to hereinafter as "THE PROPERTY."

Elena M. Boeva, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of Owner.

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

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 Kiumarz Mazaheri ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Morton Reza Mazaheri ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 19,
7 2007, May 13, 2008, June 13, 2008, November 25, 2008 and December 22, 2008.

8 4. During each inspection, two substandard structures (gas station and store and a pump
9 house) were observed on THE PROPERTY. The structures were observed to be dilapidated and
10 vacant. The structures contained numerous deficiencies, including but not limited to: lack of or
11 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water
12 to plumbing fixtures; hazardous wiring; dampness of habitable rooms; faulty weather protection;
13 general dilapidation or improper maintenance; fire hazard; public and attractive nuisance; graffiti; rat
14 infested.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: cut dried vegetation, wood, plastic, metal, asphalt,
17 household trash, used building supplies, 3 gas pumps, 2 metal tanks and miscellaneous debris.

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

20 7. A Notice of Noncompliance for the substandard structures was recorded on January
21 17, 2008, as Document Number 2008-0026337 and a Notice of Noncompliance for the accumulation
22 of rubbish was recorded on May 30, 2008 as Document Number 2008-0295455 in the Office of the
23 County Recorder, County of Riverside.

24 8. On December 19, 2007, Notices of Defects, Notices of Violation and Danger Do Not
25 Enter signs were posted on THE PROPERTY. On May 16, 2008, Notices of Violation for the
26 accumulation of rubbish were mailed to OWNER and INTERESTED PARTY by certified mail,
27 return receipt requested. On May 19, 2008, Notice of Violation for the substandard structures was
28 mailed to OWNER and INTERESTED PARTY by certified mail, return receipt requested.

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ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (gas station and store and a pump house) on THE PROPERTY be abated by the OWNER, specifically Kiumarz Mazaheri, 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 (gas station and store and a pump house) 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 OWNER 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) within ninety (90) days of the date of this Order to Abate Nuisance.

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
10 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
11 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
12 expenses reasonably related to the abatement of conditions which violate County Land Use
13 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
14 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
15 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi 1/5/09
JULIE A. KOONS JARVI DATE

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