

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

906B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 08-02186 (FIRST REGIONAL BANK)
Subject Property: North of 88350 Airport Blvd. on Avenue 55, Thermal
APN: 763-370-027
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02186 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 08-02186; 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 08-02186.

(Continued)

[Signature]

JULIE JARVI, 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 08-02186
Subject Property: North of 88350 Airport Blvd. on Avenue 55, Thermal
APN: 763-370-027
District Four

BACKGROUND:

On October 27, 2009, 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 (outdoor bar with patio, shed, single family dwelling, outdoor bathroom, north stables, south stables, arena and stage/billboard) 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.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-02186
12 [SUBSTANDARD STRUCTURES AND)
ACCUMULATION OF RUBBISH]; APN 763-370-)
13 027, NORTH OF 88350 AIRPORT BLVD. ON) FINDINGS OF FACT,
AVENUE 55, THERMAL, RIVERSIDE) CONCLUSIONS AND ORDER TO
14 COUNTY, CALIFORNIA; FIRST REGIONAL) ABATE NUISANCE
BANK, OWNER.)
15 [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]
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17 The above-captioned matter was continued from September 1, 2009 and came on regularly for
18 hearing on October 27, 2007, before the Board of Supervisors of the County of Riverside, State of
19 California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street,
20 Riverside, California regarding the real property described North of 88350 Airport Blvd. on Avenue
21 55, Thermal, Riverside County, California, Thermal, Assessor's Parcel Number 763-370-027 and
22 referred to hereinafter as "THE PROPERTY."

23 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 No one appeared on behalf of owner.

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 violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)

1 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as First Regional Bank ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Thomas Kellen, Raymond Eugene Zivelonghi, Sr., Wirt Enterprises, Inc.,
7 Dennis R. Sibson, Patricia M. Sibson, Pacific Mortgage Exchange, Inc., Chicago Title Company and
8 Brighton Properties, Inc.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on April 16, 2008,
10 May 20, 2008, July 15, 2008, August 7, 2008, October 6, 2008, January 30, 2009 and June 17, 2009.

11 4. During each inspection, substandard structures (outdoor bar with patio, shed, single
12 family dwelling, outdoor bathroom, north stables, south stables, arena and stage/billboard) was
13 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
14 vacant. The structures contained numerous deficiencies, including but not limited to: faulty weather
15 protection, general dilapidation or improper maintenance, extensive fire damage, abandoned, vacant,
16 attractive and public nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE
18 PROPERTY consisting of but not limited to: cut/dead vegetation, wood, metal, plastic, furniture,
19 block cement, household items, construction materials and 10-20 discarded tires.

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

22 7. A Notice of Noncompliance was recorded on July 25, 2008, as Document Number
23 2008-0408453 in the Office of the County Recorder, County of Riverside.

24 8. On April 16, 2008, Notices of Violations, Notice of Defects, "Danger - Do Not Enter"
25 and "Do Not Dump" signs were posted on THE PROPERTY. On April 30, 2008, August 16, 2008,
26 and January 9, 2009, Notices of Violations and Notice of Defects were mailed by certified mail,
27 return receipt requested to OWNER and INTERESTED PARTIES.

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ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structures (outdoor bar with patio, shed, single family dwelling, outdoor bathroom, north stables, south stables, arena and stage/billboard) on THE PROPERTY be abated by the OWNER, specifically First Regional Bank, 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 structure 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 (outdoor bar with patio, shed, single family dwelling, outdoor bathroom, north stables, south stables, arena and stage/billboard) 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 and disposed of 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 structure 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 OWNER or anyone having possession or control of THE PROPERTY by removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
2 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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 Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
13 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
17 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 11/2/08
JULIE A. KOONS JARVI DATE