

DATE SUBMITTED 1/28/25  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 2/5/25

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT:	DISCUSSION/ACTION: ABATEMENT CLEANUP TO MITIGATE THE HAZARDS AND ENSURE COMMUNITY SAFETY AT 407 W. BARIONI		
	1. - Approving an abatement cleanup for 407 W Barrioni to mitigate the hazards and ensure community safety  2. Authorize staff to file a lien on the property		
DEPARTMENT INVOLVED:	COMMUNITY DEVELOPMENT DEPARTMENT		
BACKGROUND/SUMMARY:	<p>On January 26, 2023, Community Development received a complaint from 407 Barioni's neighbor regarding overgrown, dead trees and rodents on the property, which posed safety concerns. An inspection conducted on January 27, 2023, confirmed that the property had overgrown vegetation and appeared abandoned. Notices to abate the violation were mailed, but the correspondence was returned without updated contact information. Efforts to locate the property owner through research and by contacting the County Clerk's office for tax record information proved unsuccessful and no forwarding address for a living next of kin contact was found.</p> <p>The neighboring resident has repeatedly raised concerns about the property, including the potential for fire hazards and the infestation of rodents at the property. A citation for non-compliance was issued in August 2023, but there has been no corrective action taken by the property owner.</p> <p>On August 13, 2024, a notice was posted on the property, and further investigation confirmed that no progress had been made.</p> <p>Given the ongoing public safety risks and the lack of response or action from the property owner, it is recommended that the city proceed with an abatement cleanup to mitigate the hazards and ensure community safety.</p>		
FISCAL IMPACT: \$8,790.00	ADMIN SERVICES SIGN INITIALS	<u>JMS</u>	
STAFF RECOMMENDATION: Staff recommends approval of an abatement cleanup to mitigate the hazards and ensure community safety and file a lien on the property	DEPT. INITIALS	<u>DM</u>	
CITY MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS	<u>DTM</u>	
MOTION:			

**RESOLUTION NO. 2025-05**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL  
AUTHORIZING ABATEMENT OF PROPERTY LOCATED AT 407 W.  
BARIONI AND AUTHORIZATION TO COLLECT SUCH ABATEMENT  
COSTS FROM THE OWNER PURSUANT TO CALIFORNIA  
GOVERNMENT CODE 38773.**

**WHEREAS**, the City of Imperial (“City”) has properly noticed the owner of the property at 407 W. Barioni, City of Imperial (“Property”), as set forth in the County of Imperial tax roll, that a nuisance exists on the Property; and

**WHEREAS**, the City has ordered abatement of the Property; and

**WHEREAS**, the City has determined that the overgrown vegetation at the Property has resulted in a risk to health and public safety; and

**WHEREAS**, the City has made numerous attempts to have the owner bring the Property into compliance; and

**WHEREAS**, the City has received no response and no compliance from the efforts; and

**WHEREAS**, the Department of Community Development recommends that the City proceed with a summary abatement nuisance at the expense of the owner pursuant to California Government Code section 38773; and

**WHEREAS**, the Department of Community Service recommends that the cost to perform such abatement shall not exceed \$8,790.00; and

**WHEREAS**, the Department of Community Service recommends that the costs of such expenses for abatement shall be attached as a personal obligation of the owner and a lien pursuant to California Government Code section 38773.1 or 38773.5; and

**NOW THEREFORE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS:**

1. The City of Imperial has determined that the vegetation, neglect and disrepair at 407 W. Barioni a nuisance that poses a risk to public health and safety.
2. The City of Imperial has properly noticed the owner and made numerous, good faith attempts to obtain compliance from the owner for over one year.
3. The City of Imperial has received no response and no appeal from the Property owner related to the order to abate.
4. The City provided the owner and opportunity to object to the not to exceed costs during a regular City Council meeting on February 5, 2025; and

5. The City of Imperial, pursuant to California Government Code section 38773, is authorized to abate the Property and hold the owner responsible for paying the costs in compliance with California Government Code section 38773.1 or 38773.5.
6. The City of Imperial deems it necessary for public health and safety reasons to authorize abatement of this Property's nuisance and collect the costs for such abatement from the owner of the Property in an amount not to exceed \$8,790.00.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

1. The City Council delegates the authority to the Director of Community Services and the City Manager to abate the nuisance that exists at 407 W. Barioni and to proceed with collection of such costs from the owner of the Property pursuant to California Government Code section 38773.

**APPROVED, PASSED, AND ADOPTED** at a regular meeting of the Imperial City Council this 5th day of February 2025.

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JAMES TUCKER,  
Mayor

ATTEST:

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KRISTINA SHIELDS,  
City Clerk

I, Kristina Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing Resolution No. 2025-05 was duly adopted at a meeting of the Imperial City Council at its meeting held on the 5<sup>th</sup> day of February, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, on February 5, 2025.

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KRISTINA SHIELDS, City Clerk



Case Number: 23-000088  
January 27, 2023

BAKSH ESTHER  
407 BARIONI BLVD  
Imperial, CA, 92251

RE: **NOTICE TO ABATE**  
Address: 407 BARIONI BLVD  
APN: 064-042-004

You are hereby notified that the following nuisance or violation exists on your property at the address located above:

**Code:** 14-05 (m)(1)

**Full Description:** Lumber, trash, garbage, debris, refuse, waste matter or other salvage materials

**Comments:** Remove all trash.

**Code:** 14-05 (m)(19)

**Full Description:** Trees and shrubs in the following conditions

(a) trees and shrubs with dead or fallen limbs or branches which present a safety hazard or restrict, impede or obstruct the public right-of-way, easement or roadway or;

(b) trees, shrubs and plants which grow out into or over a public right-of-way, easement, sidewalk or roadway where such growth restricts, impedes or obstructs pedestrian or vehicular use of said public right-of-way, easement, sidewalk or roadway.

**Comments:** Remove all dead trees.

**ACTION REQUIRED:** You are required to take action within ten (10) days of receipt of this notice. Failure to comply will result with an Administrative Citation being issued and the abatement of the property by the City of Imperial. Other fines, penalties and liens may be added.

The owner, occupant or lessee may appeal the code enforcement officer's "notice to abate" to the board of appeals by filing an appeal with the building official within ten (10) calendar days of receipt of the code enforcement officer's order to abate.

The written request for appeal shall contain the name, address, phone number and signature of the person(s) filing the appeal; address of the property in violation; and the reason for filing the appeal. The appeal must be delivered to the following address: 420 S. Imperial Ave, Imperial, CA 92251.

If you have any questions regarding this letter, you may contact David Ramirez at (760) 355-3310 or via email at [dramirez@cityofimperial.org](mailto:dramirez@cityofimperial.org). Additional information can be found at [www.cityofimperial.org/planningandbuilding](http://www.cityofimperial.org/planningandbuilding)

Respectfully,

By David Ramirez

A handwritten signature in black ink, appearing to read "David Ramirez", is written over a horizontal line.

Code Enforcement

**City of Imperial**  
Code Enforcement  
Administrative Citation



August 02, 2023

BAKSH ESTHER  
407 W BARIONI BLVD  
IMPERIAL, CA 92251

**NOTICE OF ORDINANCE VIOLATION**

Address of Violation: 407 BARIONI BLVD

Your property, listed above, is currently in violation of City Ordinances.

You may not have personally created the violation but you are the legal owner who must correct the problem. The violation is listed below. You have 10 days to achieve compliance. If the violation still exists following this period the violation will be referred to the City of Imperial Code Enforcement Board.

The maintenance of our high standard keeps your City beautiful. If you have any questions or comments please do not hesitate to contact this office.

**Description of Violation:**

**Code:** 14-05 (m)(1)

**Full Description:** Lumber, trash, garbage, debris, refuse, waste matter or other salvage materials

**Comments:** Remove all trash.

**Description of Violation:**

**Code:** 14-05 (m)(19)

**Full Description:** Trees and shrubs in the following conditions

(a) trees and shrubs with dead or fallen limbs or branches which present a safety hazard or restrict, impede or obstruct the public right-of-way, easement or roadway or;

(b) trees, shrubs and plants which grow out into or over a public right-of-way, easement, sidewalk or roadway where such growth restricts, impedes or obstructs pedestrian or vehicular use of said public right-of-way, easement, sidewalk or roadway.

**Comments:** Remove all dead trees.

David Ramirez   
Code Enforcement Officer  
Imperial California  
760 355 3310

Payment of the citation does not excuse correction of the violation.

You may pay citation to the city of Imperial at the

Community Development Department

400 South Imperial Ave. Suite 101, Imperial, CA 92251 • (760) 355-1152

If using a check or money order, please include citation number.

**AN INSPECTION IS REQUIRED WHEN VIOLATION IS CORRECTED PLEASE CALL 760-355-3310 TO SCHEDULE AN INSPECTION.**

**City of Imperial**  
Code Enforcement  
Administrative Citation

0508

Date of Violation: 8 / 2 / 23 Time: 8:38 AM Day of week: S M T W T F S Case No: 23-000058

Name: Esther Bakhsh Owner / Tenant

Address: 407 W Barioni Blvd

City: Imperial CA State: CA Zip code: 92251

APN: 064-042-004

Driver Lic. No: State:

Date of Birth: / / Gender:

Vehicle License Number: State:

Yr. of Veh.: Make: Model: Color:

Code	Citation Amount
<input type="checkbox"/> 6-7 Permit Required	
<input type="checkbox"/> 12-1 Conducting Business without a City License	
<input type="checkbox"/> 13-8.1 Obstruction of city right of way	
<input type="checkbox"/> 13-30 Prohibited parking within parkways and the front yard	
<input type="checkbox"/> 10-11 Throwing etc. refuse on the street	
<input type="checkbox"/> 14-03 Responsibility for property maintenance	
<input type="checkbox"/> 19-01 Excavation Permit required	
<input checked="" type="checkbox"/> 14-05(m)(1) Trash, debris, other materials	\$100
<input checked="" type="checkbox"/> 14-05(m)(19) Dead trees	\$100
<input type="checkbox"/>	
<input type="checkbox"/>	

Location of Violation: 407 Barioni City/County of Occurrence: IMP/IMP

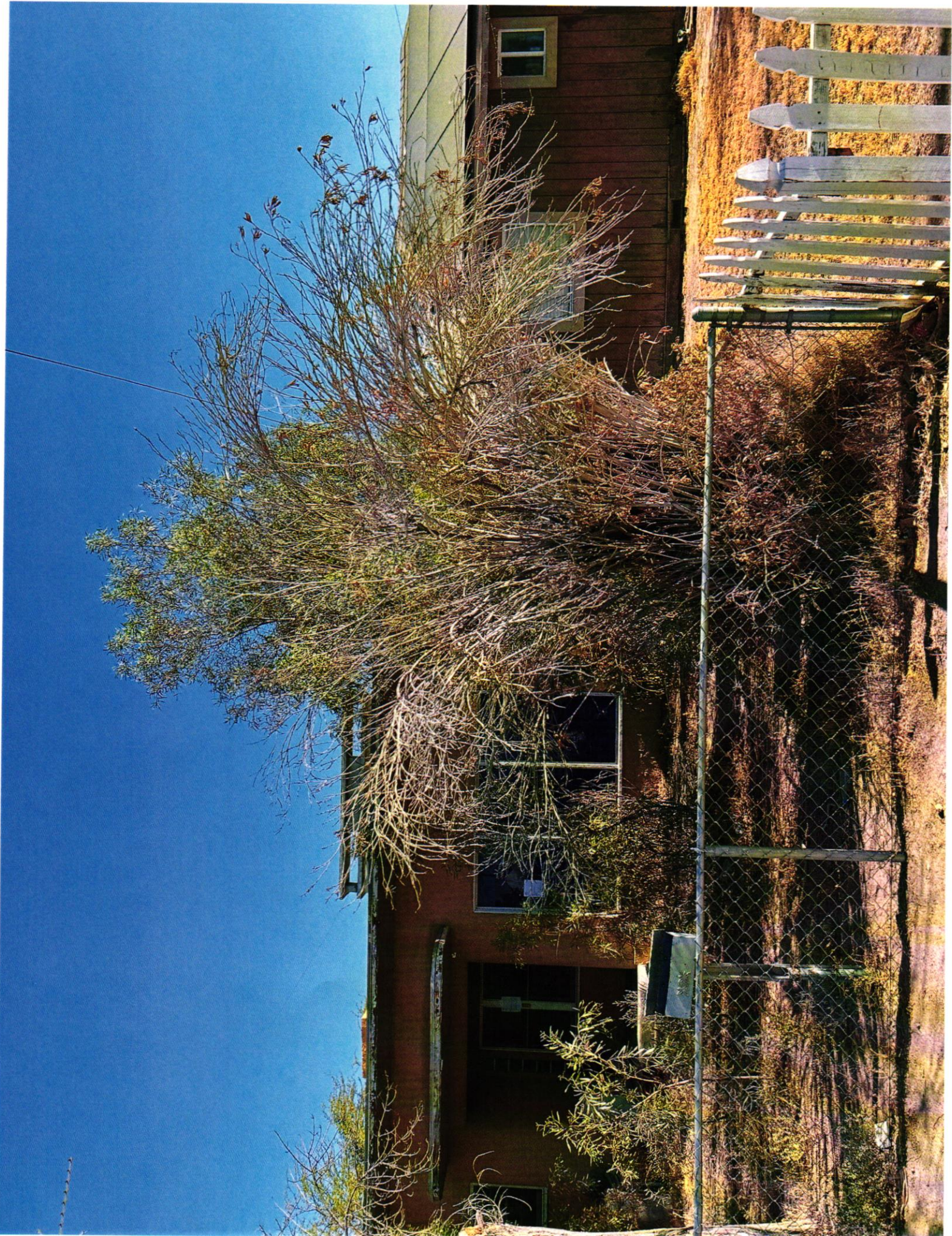
Comments: See attached documents

8/2/23 D. Ramirez 00187  
Dec Date Issuing Officer I.D.

Payment of the citation does not excuse correction of the violation.  
You may pay citation to the city of Imperial at the  
Community Development Department  
400 South Imperial Ave. Suite 101, Imperial, CA 92251 • (760) 355-1152  
If using a check or money order, please include citation number.  
AN INSPECTION IS REQUIRED WHEN VIOLATION IS CORRECTED  
PLEASE CALL 760-355-3310 TO SCHEDULE AN INSPECTION.

SEE REVERSE

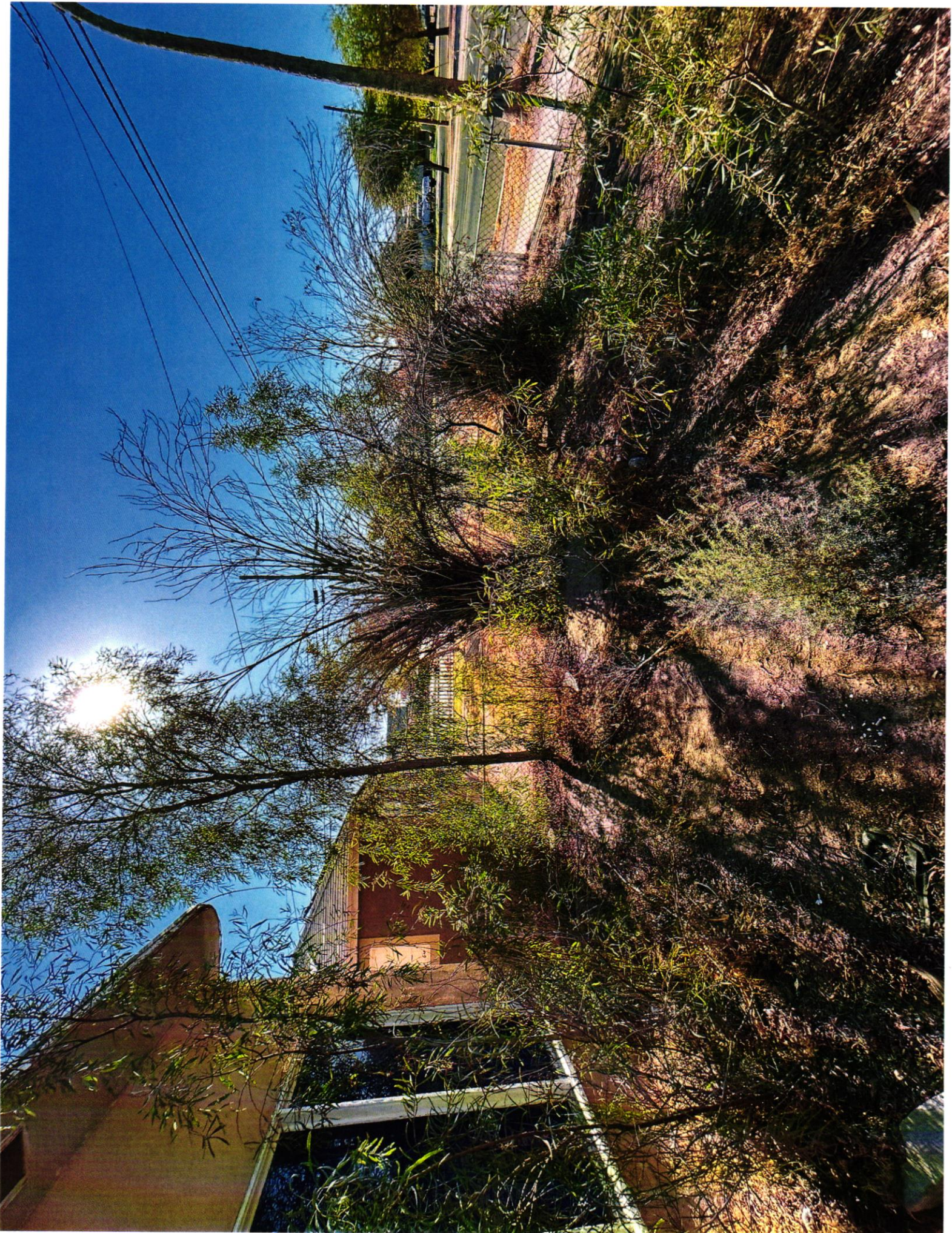
IMPERIAL PR: EMS • 5071E3















# INVOICE

**DATE**

9/3/24

**INVOICE NO**

001

**City of Imperial Parks**

420 S. Imperial Avenue

Imperial, CA 92251

760) 355-3316

alopez@imperial.ca.us

Community Development

Department

<b>SALESPERSON</b>	<b>JOB</b>	<b>PAYMENT TERMS</b>	<b>DUE DATE</b>
407 W. Barioni Blvd.	Weed Abatement	Due on Receipt	

<b>QUANTITY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>LINE TOTAL</b>
1 week	Mini excavator rental	\$ 1,400.00 week	\$1,400.00
1 week	Stump grinder rental	\$ 950.00 week	\$ 950.00
5 Parks Staff	1week Parks Staff time	\$ 6,440.00 week	\$ 6,440.00

Subtotal	N/A
Sales Tax	N/A
<b>Total</b>	<b>\$8,790.00</b>