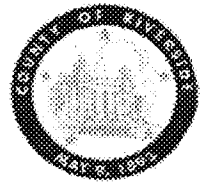


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

7163



**SUBMITTAL DATE:**  
January 13 2010

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

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 09-03095 (DEMELO)  
Subject Property: 31289 Sunset Avenue, Nuevo  
APN 427-433-022  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-03095 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 09-03095; 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 09-03095.

**BACKGROUND:**

On December 22, 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 accumulation of rubbish located 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.

*Julie Jarw*  
\_\_\_\_\_  
JULIE JARW, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Alex Gann*  
\_\_\_\_\_  
Alex Gann

**County Executive Office Signature**

Dept's Recomm.:  
Per Exec. Ofc.:

Consent  Policy

Consent  Policy

Prev. Agn. Ref.: 12/22/09; 9.5 | District: 5 | Agenda Number:

**2.23**

1 RECORDING REQUESTED BY:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)  
3  
4

5 WHEN RECORDED PLEASE MAIL TO:  
Julie Jarvi, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

8  
9 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**  
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-03095  
[ACCUMULATION OF RUBBISH]; APN 427- )  
12 433-022, 31289 SUNSET AVENUE, NUEVO, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; MARC ) CONCLUSIONS AND ORDER TO  
13 DEMELO AND MINDE DEMELO, OWNERS. ) ABATE NUISANCE  
14 )  
15 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on December 22, 2009, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 31289 Sunset Avenue, Nuevo, Riverside County, and further described as  
20 Assessor's Parcel Number 427-433-022 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together  
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public  
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code  
27 Chapter 8.120.

28 ///

**SUMMARY OF EVIDENCE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. Documents of record in the Riverside County Recorder's Office identify the OWNERS of THE PROPERTY as Marc Demelo and Minde Demelo("OWNERS").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: US Recordings, Inc., Countrywide Home Loans, Inc., CTC Real Estate Services, MERS, Recontrust Company, N.A., Records Processing Services, Beneficial California, Inc. ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on June 13, 2009, July 22, 2009, August 1, 2009, September 21, 2009, November 30, 2009 and December 21, 2009.

4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: discarded household items, bicycles, plywood, toys, discarded clothing, green waste, overgrown vegetation, blankets, tarps, a metal tub, an abandoned above the ground pool and spa, and other trash and debris.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on July 7, 2009 as instrument number 2009-0349986.

7. On June 13, 2009, a Notice of Violation was posted on THE PROPERTY. On June 24, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS. On August 26, 2009 and September 11, 2009, Notices of Violation were mailed to INTERESTED PARTIES by certified mail, return receipt requested.

8. On November 24, 2009, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 22, 2009 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on November 30, 2009.

///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 22, 2009 finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at 31289 Sunset Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel Number 427-433-022 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, THE OWNERS, or any person having possession or control of the premises should abate the condition by removing and disposing all accumulated rubbish from the subject real 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.

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

**ORDER TO ABATE NUISANCE**

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real 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.

IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto THE PROPERTY when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

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

FORM APPROVED COUNTY COUNSEL  
BY Julie A. Kookis Jarvi DATE 1/4/12

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

COUNTY OF RIVERSIDE

13 By \_\_\_\_\_  
14 Marion Ashley  
Chairman, Board of Supervisors

15 ATTEST:  
16 KECIA HARPER-IHEM  
17 Clerk to the Board

19 By \_\_\_\_\_  
20 Deputy

22 (SEAL)