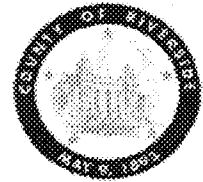


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

807B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 28, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 09-06329 (MELONSON)
Subject Property: Southeast Corner of Pinewood and Haines Street, Mead Valley
APN 318-172-013
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06329 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 09-06329; 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 09-06329.

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.

[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

Departmental Concurrence

Dept't Recomm.: Policy
 Consent Policy
 X Consent
 Per Exec. Ofc.:

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 09-06329
[ACCUMULATION OF RUBBISH]; APN 318-)
12 172-013, SOUTHEAST CORNER OF) FINDINGS OF FACT,
PINWOOD AND HAINES STREET, MEAD) CONCLUSIONS AND ORDER TO
13 VALLEY, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
VERLIA ANN MELONSON, OWNER.)
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15

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 Southeast Corner of Pinewood and Haines Street, Mead Valley, Riverside
20 County, and further described as Assessor's Parcel Number 318-172-013 referred to hereinafter as
21 "THE PROPERTY."

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

24 Owner appeared and addressed the Board of Supervisors.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Verlia Ann Melonson ("OWNER").

4 2. THE PROPERTY was inspected by the Code Enforcement Technician on August 19,
5 2009, September 15, 2009, November 25, 2009 and December 21, 2009.

6 3. During each inspection, an accumulation of rubbish was observed on THE
7 PROPERTY. The rubbish consisted of, but was not limited to: household trash, wood and
8 construction materials.

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

11 5. A Notice of Noncompliance was recorded in the Office of the County Recorder,
12 County of Riverside, State of California on September 21, 2009, as instrument number 2009-
13 0488823.

14 7. On September 15, 2009, a Notice of Violation was posted on THE PROPERTY. On
15 August 26, 2009, Notice of Violation was mailed by certified mail, return receipt requested to
16 OWNER.

17 8. On November 24, 2009, a "Notice to Correct County Ordinance Violations and Abate
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December
19 22, 2009 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE
20 PROPERTY on November 25, 2009.

21 **FINDINGS AND CONCLUSIONS**

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

24 1. WHEREAS, the accumulation of rubbish on the real property located at Southeast
25 Corner of Pinewood and Haines Street, Mead Valley, Riverside County, California, also identified as
26 Assessor's Parcel Number 318-172-013 violates Riverside County Ordinance No. 541 and constitutes
27 a public nuisance.

28 ///

1 2. WHEREAS, THE OWNER, or any person having possession or control of the
2 premises should abate the condition by removing and disposing all accumulated rubbish from the
3 subject real property in strict accordance with all Riverside County Ordinances, including but not
4 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days.

5 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
6 which judicial review of the administrative determinations made herein must be sought is ten (10)
7 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
8 and is governed by California Code of Civil Procedure Section 1094.6.

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
11 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
12 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
13 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
14 8.120) within ten (10) days of the date of this Order to Abate Nuisance.

15 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance No. 541, within ten (10) days of the date of this Order to Abate Nuisance, the rubbish shall
18 be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor
19 or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry
20 onto THE PROPERTY when necessary under applicable law.

21 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
22 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
23 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
24 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
25 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
26 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
27 collection and administrative costs, attorneys fees, and the costs associated with the removal or
28 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ten (10) days of the date of this Order to Abate Nuisance.

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Dated: _____

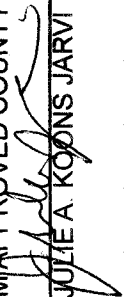
COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  JULIE A KOONS JARVI
DATE: 11/22/10