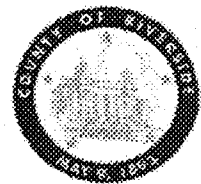


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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 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 ☐

Requires 4/5 Vote ☐

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

APPROVE

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

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: January 26, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
\_\_\_\_\_  
Deputy

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

ATTACHMENT 1  
WITH THE CLERK OF THE BOARD

2.23

Departmental Concurrence

Dep't Recomm.: ☐ Policy ☐ Policy  
Consent ☐ Consent ☒

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

DOC # 2010-0035271  
01/27/2010

Customer Copy Label

The paper to which this label is  
affixed has not been compared  
with the recorded document

Larry W Ward

County of Riverside  
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT 6103]

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-03095  
12 [ACCUMULATION OF RUBBISH]; APN 427- )  
13 433-022, 31289 SUNSET AVENUE, NUEVO, ) FINDINGS OF FACT,  
14 RIVERSIDE COUNTY, CALIFORNIA; MARC ) CONCLUSIONS AND ORDER TO  
15 DEMELO AND MINDE DEMELO, OWNERS. ) ABATE NUISANCE  
16 )  
17 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
18 ) and 725 (RCC Title 1)]  
19 )

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

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

27 Owners did not appear.

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

///

COPY

## SUMMARY OF EVIDENCE

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.

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1 **FINDINGS AND CONCLUSIONS**

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

4 1. WHEREAS, the accumulation of rubbish on the real property located at 31289 Sunset  
5 Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel Number 427-433-  
6 022 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

7 2. WHEREAS, THE OWNERS, or any person having possession or control of the  
8 premises should abate the condition by removing and disposing all accumulated rubbish from the  
9 subject real property in strict accordance with all Riverside County Ordinances, including but not  
10 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be  
18 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
19 and disposing of all rubbish from the subject real property in strict accordance with all Riverside  
20 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
21 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

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

FORM APPROVED COUNTY COUNSEL  
BY Julia A. Koons Jarvi DATE 1/4/10

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

Dated: January 26, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By David Lehmann  
Deputy

(SEAL)



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrclkrec.com>

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board