

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.

  
JULIE JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

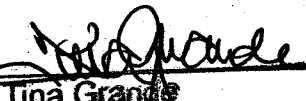
FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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

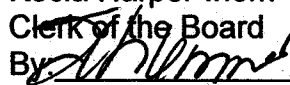
BY:   
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione 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: February 9, 2010  
xc: Co. Co. (3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 12/22/09/97 ATTACHMENT DISTRICT 1 Agenda Number:

WITH THE CLERK OF THE BOARD

2.12

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

DOC # 2010-0065338  
02/11/2010

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]

11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:  
14 [ACCUMULATION OF RUBBISH]; APN 318-  
15 172-013, SOUTHEAST CORNER OF  
16 PINWOOD AND HAINES STREET, MEAD  
17 VALLEY, RIVERSIDE COUNTY, CALIFORNIA;  
18 VERLIA ANN MELONSON, OWNER.

CASE NO. CV 09-06329

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos. 541 (RCC Chapter 8.120)  
and 725 (RCC Title 1)]

19 The above-captioned matter came on regularly for hearing on December 22, 2009, before the  
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
22 property described as Southeast Corner of Pinewood and Haines Street, Mead Valley, Riverside  
23 County, and further described as Assessor's Parcel Number 318-172-013 referred to hereinafter as  
24 "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 Owner appeared and addressed the Board of Supervisors.

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.

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

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

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

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 OWNER and posted on THE PROPERTY on November 25, 2009.

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

///

2. WHEREAS, THE OWNER, 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 ten (10) days.

3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ten (10) 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 OWNER 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 ten (10) 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 ten (10) 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 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

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi DATE: 1/20/10

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.

4 Dated: February 9, 2010

COUNTY OF RIVERSIDE

6 By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

12 By Timothy J. Koons Jarvi

13 Deputy

15 (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.asrcrkrec.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:

2-9-10

Signature:

Sandi Schlemmer

Print Name:

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