

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 18, 2014

SUBJECT: Order to Abate [Accumulated Rubbish];
Case No. CV13-02456 [BICKMORE]
Subject Property: 73717 Black Eagle Drive, Thousand Palms; APN: 693-132-016
District: 4/4 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02456;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02456; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-02456.

BACKGROUND:

Summary

On August 5, 2014, this Board held a public hearing, received the declaration of the Code Enforcement Officer in the above referenced matter, and declared the accumulated rubbish located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions (Continued)

GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: _____ **Budget Adjustment:** _____
For Fiscal Year: _____

C.E.O. RECOMMENDATION: APPROVE
BY:
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 08/05/14; 9.6 | District: 4/4 | Agenda Number:

2-5

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Accumulated Rubbish];**

Case No. CV13-02456 [BICKMORE]

Subject Property: 73717 Black Eagle Drive, Thousand Palms; APN: 693-132-016

District: 4/4 [\$0.00]

DATE: September 18, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

FORM APPROVED COUNTY COUNSEL
BY: *Lisa A. Traczyk* 8/21/14
LISAA. TRACZYK DATE

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-02456
12 [ACCUMULATION OF RUBBISH];)
13 APN 693-132-016, 73717 BLACK EAGLE DRIVE,) FINDINGS OF FACT,
14 THOUSAND PALMS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; MILO H. BICKMORE AND) ABATE NUISANCE
16 DORIS A. BICKMORE, OWNERS.)
17) R.C.O. Nos. 541 and 725
18)
19)
20)
21)
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17 The above-captioned matter came on regularly for hearing on August 5, 2014, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 73717 Black Eagle Drive, Thousand Palms, Riverside County, and further
21 described as Assessor's Parcel Number 693-132-016 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

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

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Milo H. Bickmore and Doris A. Bickmore ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Tri Palm Unified Owners Association (hereinafter referred to as
6 "INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on July 26, 2013,
8 September 19, 2013, January 6, 2014, and March 24, 2014.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: boxes, blankets, chair, table,
11 furniture and household trash.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 by the Code Enforcement Officer.

14 6. A Notice of Pendency of Administrative Proceedings was recorded in the Office of
15 the County Recorder, County of Riverside, State of California on March 3, 2014, as instrument
16 number 2014-0080579.

17 7. On July 26, 2013, and March 25, 2014, a Notice of Violation was posted on THE
18 PROPERTY. On July 31, 2013, a Notice of Violation was mailed to OWNERS by first class mail.
19 On February 6, 2014, a Notice of Violation was mailed to OWNERS and INTERESTED PARTY by
20 first class mail.

21 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
22 providing notice of the public hearing before the Board of Supervisors on August 5, 2014, was
23 mailed to OWNERS and INTERESTED PARTY on July 1, 2014, and was posted on THE
24 PROPERTY on July 2, 2014.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on August 5, 2014, finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 73717 Black

1 Eagle Drive, Thousand Palms, Riverside County, California, also identified as Assessor's Parcel
2 Number 693-132-016 violates Riverside County Ordinance No. 541 and constitutes a public
3 nuisance.

4 2. WHEREAS, the OWNERS, INTERESTED PARTY, occupants, or any person having
5 possession or control of the premises shall abate the condition by legally removing and disposing all
6 accumulated rubbish from the subject real property in strict accordance with all Riverside County
7 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
8 days.

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

13 **ORDER TO ABATE NUISANCE**

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

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

25 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
26 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
27 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
28 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

1 costs" means "any costs or expenses, including County staff time reasonably related to the abatement
2 of conditions which violate Land Use Ordinances, and shall include, but not be limited to,
3 enforcement, investigation, summaries, reports, notices, telephonic contact, correspondence, mailing
4 expense, title search costs, administrative costs including scheduling and participation at hearings,
5 Hearing Officer costs, expenses incurred by the County, court costs, civil or administrative penalties,
6 collection, attorneys' fees, and other costs associated with the removal, abatement or correction of a
7 violation." Reasonable abatement costs accrued by the County of Riverside will be recoverable from
8 OWNERS even if THE PROPERTY is brought into compliance within ninety (90) days of the date
9 of this Order to Abate Nuisance.

10
11 Dated: _____

COUNTY OF RIVERSIDE

12
13 By _____
14 Jeff Stone
15 Chairman, Board of Supervisors

16 ATTEST:

17 KECIA HARPER-IHEM

18 Clerk to the Board

19 By

20 Deputy

21 (SEAL)
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