

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

705B



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

**SUBMITTAL DATE:**  
September 25, 2014

**SUBJECT:** Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV12-04980 [BICKMORE]  
Subject Property: 73725 Black Eagle Drive, Thousand Palms; APN: 693-132-017  
District: 4/4 [\$0.00]

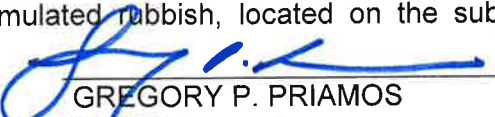
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04980;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04980; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04980.

**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 substandard structure (mobilehome on a permanent foundation), excessive outside storage, and accumulated rubbish, located on the subject (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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

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

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 08/05/14; 9.5 | District: 4/4 | Agenda Number:

2-7

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Order to Abate [Substandard Structure, Excessive Outside Storage &  
Accumulated Rubbish];**

Case No. CV12-04980 [BICKMORE]

Subject Property: 73725 Black Eagle Drive, Thousand Palms, APN: 693-132-017

District: 4/4 [\$0.00]

DATE: September 25, 2014

PAGE: 2 of 2

**BACKGROUND:**

**Summary (continued)**

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 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 DATE  
LISAA TRACZYK

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

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

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 12-04980  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE )  
OUTSIDE STORAGE AND ACCUMULATION ) FINDINGS OF FACT,  
13 OF RUBBISH]; APN 693-132-017, 73725 BLACK ) CONCLUSIONS AND ORDER TO  
EAGLE DRIVE, THOUSAND PALMS, ) ABATE NUISANCE  
14 RIVERSIDE COUNTY, CALIFORNIA; MILO H. )  
BICKMORE AND DORIS H. BICKMORE, ) R.C.O. Nos. 348, 457, 541 and 725  
15 OWNERS. )

16  
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 73725 Black Eagle Drive, Thousand Palms, Riverside County, California,  
21 Assessor's Parcel Number 693-132-017 and 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, received the Declaration of the Code  
26 Enforcement Officer together with attached Exhibits evidencing the substandard structure, excessive  
27 outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of  
28 Riverside County Ordinance Nos. 348, 457 and 541 and as a public nuisance.

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder’s Office identify the owners  
3 of THE PROPERTY as Milo H. Bickmore and Doris H. Bickmore (“OWNERS”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Security Pacific Financial Services, Inc. (hereinafter referred to as  
6 “INTERESTED PARTY”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on February 6, 2014,  
8 April 15, 2014, April 17, 2014, and May 19, 2014.

9 4. During each inspection, a substandard structure (mobile home on permanent  
10 foundation) was observed on THE PROPERTY. The structure was observed to be in a general state  
11 of dilapidation. The structure contained numerous deficiencies, including but not limited to: faulty  
12 weather protection; general dilapidation or improper maintenance; and public and attractive  
13 nuisance- abandoned/vacant.

14 5. During each inspection an accumulation of rubbish and excess outside storage was  
15 also observed throughout THE PROPERTY consisting of but not limited to: clothing, carton boxes,  
16 a spa, furniture, chairs, appliances, and other miscellaneous items in excess of 1,200 square feet.

17 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 Nos. 348, 457 and 541 by the Code Enforcement Officer.

19 7. A Notice of Pendency of Administrative Proceedings as to the excessive outside  
20 storage was recorded at the Riverside County Recorder’s Office on July 2, 2013, as instrument  
21 number 2013-0320317. A Notice of Pendency of Administrative Proceedings as to the accumulated  
22 rubbish and substandard structure was recorded at the Riverside County Recorder’s Office on March  
23 3, 2014, as instrument number 2014-0080580.

24 8. On February 6, 2014, a Notice of Violation, Notice of Defects and “Danger- Do Not  
25 Enter” signs were posted on THE PROPERTY.

26 9. On February 24, 2014, a Notice of Violation and Notice of Defects was mailed to  
27 OWNERS and INTERESTED PARTY by first class mail.

28 10. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”

1 providing notice of the public hearing before the Board of Supervisors was mailed on July 1, 2014 to  
2 OWNERS and INTERESTED PARTY and was posted on THE PROPERTY on July 2, 2014.

3 **FINDINGS AND CONCLUSIONS**

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

6 1. WHEREAS, the substandard structure (mobile home on permanent foundation),  
7 excessive outside storage of materials and accumulation of rubbish on the real property located at  
8 73725 Black Eagle Drive, Thousand Palms, Riverside County, California, also identified as  
9 Assessor's Parcel Number 693-132-017 violates Riverside County Ordinance Nos. 348, 457 and 541  
10 and constitutes a public nuisance.

11 2. WHEREAS, the OWNERS, INTERESTED PARTY, occupants and any person  
12 having possession or control of THE PROPERTY shall abate the substandard structure (mobile  
13 home on permanent foundation) by razing, removing and disposing of the substandard structure  
14 including the removal and disposal of all contents therein and structural debris and materials, or by  
15 reconstruction and rehabilitation of said structure provided that said reconstruction or demolition can  
16 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited  
17 to Riverside County Ordinance No. 457 within ninety (90) days.

18 3. WHEREAS, the OWNERS, INTERESTED PARTY, occupants and any other person  
19 having possession or control of THE PROPERTY shall abate the accumulation of rubbish and  
20 excessive outside storage of materials by legally removing and disposing of all rubbish and excessive  
21 outside storage on THE PROPERTY in strict accordance with all Riverside County Ordinances,  
22 including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

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**ORDER TO ABATE NUISANCE**

1  
2 IT IS THEREFORE ORDERED that the substandard structure (mobile home on permanent  
3 foundation) on THE PROPERTY be abated by the OWNERS, specifically Milo H. Bickmore and  
4 Doris H. Bickmore, INTERESTED PARTY, occupants, or anyone having possession or control of  
5 THE PROPERTY, by razing and removing the substandard structure including the removal and  
6 disposal of all contents therein and structural debris and materials, or by reconstruction and  
7 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished  
8 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
9 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
10 Nuisance.

11 IT IS FURTHER ORDERED that if the substandard structure (mobile home on permanent  
12 foundation) is not razed, removed and disposed of, or reconstructed and rehabilitated in strict  
13 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
14 Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate  
15 Nuisance, the substandard structure, contents therein, and structural debris and materials, may be  
16 abated and disposed of by representatives of the Riverside County Code Enforcement Department, a  
17 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where  
18 necessary, under applicable law authorizing entry onto THE PROPERTY.

19 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
20 asbestos containing materials in said structures by survey and materials sample testing by a duly  
21 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
22 the removal of all asbestos containing materials discovered through such survey and testing by  
23 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
24 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

25 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage  
26 of materials on THE PROPERTY be abated by OWNERS, INTERESTED PARTY, occupants, or  
27 anyone having possession or control of THE PROPERTY by legally removing and disposing of all  
28 rubbish and excessive outside storage of materials on THE PROPERTY in strict accordance with all

1 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and  
2 541, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

3 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
4 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
5 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
6 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
7 outside storage of materials may be abated and disposed of by representatives of the Riverside  
8 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
9 owner's consent or a Court Order when necessary under applicable law.

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
13 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,  
14 "abatement costs" means "any costs or expenses, including County staff time reasonably related to  
15 the abatement of conditions which violate Land Use Ordinances, and shall include, but not be limited  
16 to, enforcement, investigation, summaries, reports, notices, telephonic contact, correspondence,  
17 mailing expense, title search costs, administrative costs including scheduling and participation at  
18 hearings, Hearing Officer costs, expenses incurred by the County, court costs, civil or administrative  
19 penalties, collection, attorneys' fees, and other costs associated with the removal, abatement or

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1 correction of a violation.” Reasonable abatement costs accrued by the County of Riverside will be  
2 recoverable from OWNERS even if THE PROPERTY is brought into compliance within ninety (90)  
3 days of the date of this Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)