

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

603B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 19, 2014

SUBJECT: Order to Abate [Substandard Structures]
Case No. CV14-00033 [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. CV14-00033;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00033; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-00033.

BACKGROUND:

Summary

On October 28, 2014, 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 substandard structures (mobile home on permanent foundation and pool) located on the subject property to be a public nuisance.

(Continued)

GREGORY P. PRIAMOS
County Counsel

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

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Departmental Concurrence

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

FORM 11: Order to Abate [Substandard Structures]

Case No. CV14-00033 [BICKMORE]

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

District: 4/4 [\$0.00]

DATE: December 19, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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

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

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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]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 14-00033
12 [SUBSTANDARD STRUCTURES];)
APN 693-132-016, 73717 BLACK EAGLE) FINDINGS OF FACT,
13 DRIVE, THOUSAND PALMS, RIVERSIDE) CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; MILO H. BICKMORE) ABATE NUISANCE
14 AND DORIS A. BICKMORE, OWNERS.)
15) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on October 28, 2014, 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 73717 Black Eagle Drive, Thousand Palms, Riverside County, California,
20 Assessor's Parcel Number 693-132-016 and referred to hereinafter as "THE PROPERTY."

21 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of
26 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

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 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 (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 6, 2014,
7 June 25, 2014, and ten (10) subsequent inspections the last being October 21, 2014.

8 4. During each inspection, a mobile home on permanent foundation and a pool were
9 observed on THE PROPERTY. The structures contained numerous deficiencies, including but not
10 limited to: faulty weather protection; general dilapidation or improper maintenance; public and
11 attractive nuisance – abandoned/vacant.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 457 by the Code Enforcement Officer.

14 6. A Notice of Pendency of Administrative Proceedings was recorded on March 3, 2014,
15 as Document Number 2014-0080583 in the Office of the County Recorder, County of Riverside.

16 7. On January 6, 2014 and June 26, 2014, a Notice of Violation, Notice of Defects and a
17 “Danger Do Not Enter” signs were posted on THE PROPERTY. On March 25, 2014, a Notice of
18 Violation and Notice of Defects was posted on THE PROPERTY. On January 9, 2014 and January
19 30, 2014, a Notice of Violation and Notice of Defects for the substandard structures was mailed to
20 OWNERS by first class mail. On February 6, 2014 and June 27, 2014, a Notice of Violation and
21 Notice of Defects were mailed to INTERESTED PARTY by first class mail.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
23 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
24 INTERESTED PARTY and was posted on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on October 28, 2014, finds and concludes that:

28 1. WHEREAS, the substandard structures (mobile home on permanent foundation and

1 pool) on the real property located at 73717 Black Eagle Drive, Thousand Palms, Riverside County,
2 California, also identified as Assessor's Parcel Number 693-132-016 violates RCO No. 457 and
3 constitutes a public nuisance.

4 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
5 THE PROPERTY shall abate the substandard structures by razing, removing and disposing of the
6 substandard structures, including the removal and disposal of all structural debris and materials, and
7 contents therein or by reconstruction and rehabilitation of said structures provided that said
8 reconstruction or demolition can be accomplished in strict accordance with all Riverside County
9 Ordinances, including but not limited to RCO No. 457 within ninety (90) days.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structures (mobile home on permanent
17 foundation and pool) on THE PROPERTY be abated by the OWNERS, or anyone having possession
18 or control of THE PROPERTY, by razing and removing the substandard structures including the
19 removal and disposal of all structural debris and materials, as well as the contents therein, or by
20 reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can
21 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited
22 to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
24 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
25 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
26 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural
27 debris and materials, may be abated by representatives of the Riverside County Code Enforcement
28 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court

1 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

2 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
3 asbestos containing materials in said structures by survey and materials sample testing by a duly
4 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
5 the removal of all asbestos containing materials discovered through such survey and testing by
6 contract with a duly certified and licensed contractor for the handling of such materials to avoid
7 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, “abatement
12 costs” means “any costs or expenses reasonably related to the abatement of conditions which violate
13 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
14 collection and administrative costs, attorneys fees, and the costs associated with the removal or
15 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into
2 compliance within ninety (90) 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)