

**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	\$	\$	\$	\$	

<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**

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

**Ayes:** Jeffries, Tavaglione, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** September 30, 2014  
**xc:** Co.Co./TLMA-Code Enf., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

**2-5**

Departmental Concurrence

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

**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

Customer Copy Label  
The paper to which this label is affixed has not been compared with the filed/recorded document

Larry W Ward  
County of Riverside  
Assessor, County Clerk & Recorder

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

3  
4  
5 WHEN RECORDED PLEASE MAIL TO:  
Michelle Cervantes, Senior Code Enforcement Officer  
6 Regina Keyes, Senior Code Enforcement Officer  
CODE ENFORCEMENT DEPARTMENT  
7 4080 Lemon Street, Twelfth Floor (Stop #1012)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

8  
9 **BOARD OF SUPERVISORS**  
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 13-02456  
[ACCUMULATION OF RUBBISH]; )  
12 APN 693-132-016, 73717 BLACK EAGLE DRIVE,) FINDINGS OF FACT,  
THOUSAND PALMS, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
13 CALIFORNIA; MILO H. BICKMORE AND ) ABATE NUISANCE  
DORIS A. BICKMORE, OWNERS. )  
14 ) R.C.O. Nos. 541 and 725  
15 )  
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 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 ///

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

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.

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Dated: September 30, 2014

COUNTY OF RIVERSIDE

By Jeff Stone  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By Kecia Harper-Ihem  
Deputy

(SEAL)



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

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 436-7000

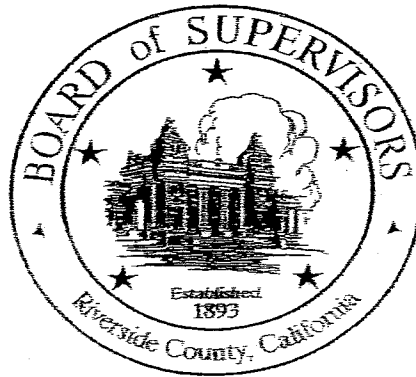
<http://riverside.asrcrkrec.com>

**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:

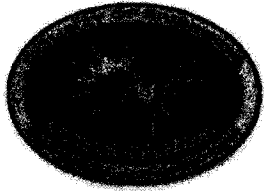
9-30-14

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**AFFIDAVIT OF POSTING OF NOTICES**

September 24, 2015

RE CASE NO: CV1302456

I, Hector Herrera, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:  
77588 El Duna Court  
Palm Desert, California 92211  
Mail Stop #4016.

That on 10/21/15 at 11:20 AM, I securely and conspicuously posted Finding of fact, conclusion and order to abate nuisance, proof of service, notice list at the property described as:

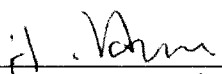
**Property Address:** 73717 BLACK EAGLE DR, THOUSAND PLMS

**Assessor's Parcel Number:** 693-132-016

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2015 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By:   
Hector Herrera, Sr. Code Enforcement Officer



**PROOF OF SERVICE**  
Case No. CV13-02456 Bickmore

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501.

That on October 9, 2014, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

    **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

    **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON October 9, 2014, at Riverside, California.

  
STACY BAUMGARTNER

## NOTICE LIST

Subject Property: 73717 Black Eagle Drive, Thousand Palms;  
Case No.: CV13-02456 BICKMORE  
APN: 693-132-016; District 4/4

MILO H. BICKMORE  
DORIS A. BICKMORE  
73717 BLACK EAGLE DRIVE  
THOUSAND PALMS, CA 92276

MILO H. BICKMORE  
DORIS A. BICKMORE  
P.O. BOX 685  
THOUSAND PALMS, CA 92276

MILO H. BICKMORE  
DORIS A. BICKMORE  
110 COYOTE  
CATHEDRAL CITY, CA 92234

MILO H. BICKMORE  
DORIS A. BICKMORE  
P.O. BOX 2881  
RANCHO MIRAGE, CA 92270

DORIS ARDELLA BICKMORE  
421 S. SEVENTH AVE.  
SPIRIT LAKE, IDAHO 83869

GARY SAWANSON  
ATTORNEY AT LAW  
1276 N. PALM CANYON DRIVE  
SUITE 208  
PALM SPRINGS, CA 92262

JENNIFER L. JAMES ESQ  
EPSTEN GRINNELL & HOWELL APC  
72-960 FRED WARING DR. SUITE 1  
PALM DESERT, CA 92260

TRI PLAM UNIFIED OWNERS ASSOCIATION  
P.O. BOX 621  
PALM DESERT, CA 92276

TRACY H. ETTINGHOFF  
30011 IV GLEEN DRIVE #121  
LAGUNA NIGUEL, CA 92677-5016