

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

952 A



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

**SUBMITTAL DATE:**  
November 20, 2015

**SUBJECT:** Order to Abate [Grading Without Permit]  
Case No. CV12-06371 [KRUSE]  
Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011  
District: 5 [\$0]

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06371;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06371; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-06371.

**BACKGROUND:**

**Summary**

On October 27, 2015, 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 grading without permit located on the subject property to be a public nuisance. The Board ordered the property owner

(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 Grant

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 10/27/15; 9.4

District: 5

Agenda Number:

2-12

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

**FORM 11:** Order to Abate [Grading Without Permit]

Case No. CV12-06371 [KRUSE]

Subject Property: 55200 Hatton Place, Whitewater; APN: 517-101-011

District: 5 [\$0]

**DATE:** November 20, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

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:  
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  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
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 12-06371  
12 [GRADING WITHOUT PERMIT]; )  
13 APN 517-101-011, 55200 HATTON PLACE, ) FINDINGS OF FACT,  
14 WHITEWATER, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
15 CALIFORNIA; YVONNE S. KRUSE, OWNER. ) ABATE NUISANCE  
) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on October 27, 2015, 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 55200 Hatton Place, Whitewater, Riverside County, California and further  
20 described as Assessor's Parcel Number 517-101-011 and referred to hereinafter as "THE  
21 PROPERTY."

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

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the grading without permit on THE PROPERTY as violation of  
27 Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Yvonne S. Kruse ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Douglas J. Kruse and Mission Springs Water District (hereinafter referred to as  
6 "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 28, 2013,  
8 March 18, 2015, July 9, 2015 and October 23, 2015.

9 4. During each inspection, grading was observed in excess of fifty (50) cubic yards on  
10 THE PROPERTY without permits and which deviated from the natural topography.

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

13 6. A Notice of Pendency of Administrative Proceedings was recorded on June 24, 2014,  
14 as Instrument Number 2014-0232199 in the Office of the County Recorder, County of Riverside.

15 7. On April 16, 2013, a Notice of Violation was mailed to OWNER by first class mail.  
16 On October 22, 2014, a Notice of Violation was mailed to INTERESTED PARTIES by first class  
17 mail and certified mail, return receipt requested. On July 9, 2015, a Notice of Violation was posted  
18 on THE PROPERTY.

19 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
20 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
21 INTERESTED PARTIES and was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
24 regular session assembled on October 27, 2015, finds and concludes that:

25 1. WHEREAS, the grading without permit on the real property located at 55200 Hatton  
26 Place, Whitewater, Riverside County, California, also identified as Assessor's Parcel Number 517-  
27 101-011 violates RCO No. 457 and constitutes a public nuisance.

28 2. WHEREAS, the OWNER, occupants and any person having possession or control of

1 THE PROPERTY shall abate the conditions by restoring THE PROPERTY to the satisfaction of the  
2 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict  
3 accordance with all Riverside County Ordinances, including but not limited to RCO No. 457, within  
4 ninety (90) days.

5 3. WHEREAS, the OWNER AND INTERESTED PARTIES ARE HEREBY  
6 FURTHER NOTICED that a five (5) year hold on the issuance of building permits and land use  
7 approvals may be placed on THE PROPERTY. Upon restoration of THE PROPERTY and payment  
8 of the lien, the five (5) year hold on the building permit issuance and land use approvals may be  
9 released.

10 4. WHEREAS, the OWNER AND INTERESTED PARTIES 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 grading without permit on THE PROPERTY  
17 located at 55200 Hatton Place, Whitewater, Riverside County, California, also identified as  
18 Assessor's Parcel Number 517-101-011 be abated by the OWNER, or anyone having possession or  
19 control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of  
20 Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all  
21 Riverside County Ordinances, including but not limited to RCO No. 457, within ninety (90) days of  
22 the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if the grading without permit is not restored to the  
24 satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope  
25 erosion in strict accordance with all Riverside County Ordinances, including but not limited to RCO  
26 No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the  
27 grading without permit 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 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
5 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement  
6 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
7 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
8 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
9 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
10 Department will be recoverable from the OWNER even if THE PROPERTY is brought into  
11 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

12

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

COUNTY OF RIVERSIDE

14

15

By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

16

17

18 ATTEST:

19

20 KECIA HARPER-IHEM

21

22 Clerk to the Board

23

24

25 By

26 Deputy

27

28 (SEAL)



CV12-06371

55200 Hatton Place, Whitewater APN: 517-101-011



- Legend**
- TBM Page
  - TBM Grid
  - City Boundaries
  - Cities
  - roadsanno
  - highways
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - OFFRAMP
  - ONRAMP
  - USHWY
  - counties
  - cities
  - hydrographylines
  - waterbodies
  - Lakes
  - Rivers



0

167

333 Feet



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**Notes**

Thomas Bros Page 724  
Grid D1