

**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

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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

District: 5

Agenda Number:

2-12

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

Departmental Concurrence

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)

2015-0536914

12/10/2015 03:07 PM

Customer Copy Label

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

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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 ///

COPY

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: December 8, 2015

COUNTY OF RIVERSIDE

14
15 By Marion Ashley
16 Marion Ashley
Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20
21 By Kecia Harper-Ihem

22 Deputy

23 (SEAL)



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

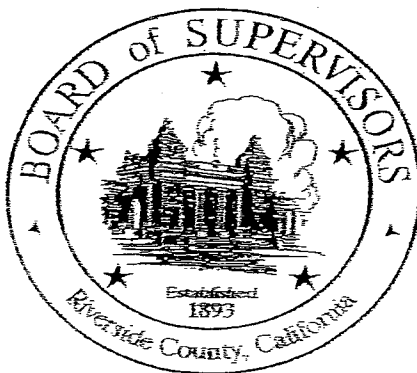
www.riversideacr.com

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:

12-8-15

Signature:

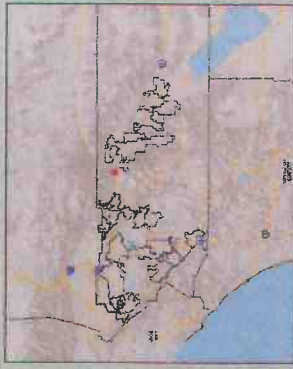
Karen Barton

Print Name:

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

CV12-06371

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



- Legend**
- TBM Page
 - TBM Grid
 - City Boundaries
 - Cities
 - roadsanno
 - highways
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 - ONRAMP
 - USHWY
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 - cities
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 - waterbodies
 - Lakes
 - Rivers



0 167

333 Feet



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Notes

Thomas Bros Page 724
Grid D1

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

January 13, 2016

RE CASE NO: CV1206371

I, Jamison Cole, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
581 South Grand Avenue
San Jacinto, California, 92582
Mail Stop #5002.

That on 1/11/16 at 2:05 p.m., I securely and conspicuously posted the Findings of Fact at the property described as:

Property Address: 55200 HATTON PL, WHITEWATER

Assessor's Parcel Number: 517-101-011

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

Executed on January 13, 2016 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: J. Cole
Jamison Cole, Code Enforcement Officer

PROOF OF SERVICE
Case No. CV12-06371 Kruse

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, 12th Floor, Riverside, California 92501.

That on January 4, 2016, I served the following document(s):

- **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**
- **NOTICE LIST**

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 January 4, 2016, at Riverside, California.



STACY BAUMGARTNER
CODE ENFORCEMENT OFFICER III

NOTICE LIST

Subject Property: 55200 Hatton Place, Whitewater;
Case No.: CV12-06371
APN: 517-101-011; District 5

YVONNE S, KRUSE
350 S WILLOW AVENUE, No 39
RILATO, CA 92376

DOUGLAS J. KRUSE
P.O. BOX 2006
RIALTO, CA 92377-2006

MISSION SPRINGS WATER DISTRICT
66575 SECOND STREET
DESERT HOT SPRINGS, CA 92240