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November 15, 2012

Contra Costa County Board of Supervisors
Clerk of the Board of Supervisors
651 Pine Street, 1st Fl
Martinez, CA 94553

Re: Notice to Abate Public Nuisance:
2444 Lunada Lane, Alamo, CA/APN 188-312-007

Dear Members of the Board of Supervisors:

I represent Thomas and Erin Newlin. My clients are the owners of a single-family residence and lawful parcel located at 2444 Lunada Lane in Alamo. Their property is identified as Assessor's Parcel No. 188-312-007. The Director of Public Works of Contra Costa County has issued a Notice to Abate Public Nuisance as of October 29, 2012. By this letter, the Newlins propose to appeal in timely fashion that Notice. A check in the sum of \$125 accompanies this Notice of Appeal.

The alleged basis for the Director's finding of nuisance requiring abatement is the claim that the Newlins' maintain fencing which encroaches on County property. Specifically, there is apparently a 10 foot easement along the Iron Horse Trail as to which Kinder-Morgan SFPP, LP is easement owner. The claim has been made that the Newlin fence encroaches into that easement area; Contra Costa County is apparently the underlying fee owner of the Iron Horse Trail property.

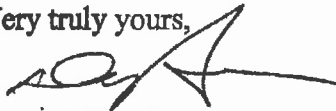
In this particular instance, the fencing and other improvements in question have been maintained for the benefit of the Newlin property by the Newlins and their predecessors owners in interest for decades. Additionally, relevant portions of the Newlins' property have been in constant use as a horse paddock/pasture for an equivalent period of time. These uses and improvements predate the County's ownership of the subject Iron Horse Trail property such that the Newlins' use and enjoyment have ripened into both prescriptive and adverse rights.

It might also be noted that the only perceived issue in this instance is a requirement for access for maintenance purposes of the Kinder Morgan pipeline. The removal of the fence line is not a condition precedent to maintenance access nor is there an unusual hazard presented by existing conditions.

It is respectfully submitted that the Notice of Abatement was improvidently issued and that it should be withdrawn in its entirety. The Newlins remain perfectly willing to cooperate reasonably should there be any actual requirement for access and/or maintenance of the Kinder Morgan easement area. (It should be quite apparent that this is not really a County issue; the County is merely acting on behalf of Kinder Morgan.)

Please advise me and the Newlins regarding further proceedings on this appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David J. Bowie', with a long horizontal flourish extending to the right.

David J. Bowie

Cc: Mr. and Mrs. Newlin

VERIFICATION

I, Monica Johnson, as the Assistant to David J. Bowie, have submitted this Appeal of the decision of the Building Inspection Dept to State on property located at 2444 Lumsden Lane, dated Nov 20, 2012 and know the contents thereof and the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this day, November 20, 2012 in Martinez, California.


(signature)

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485 CALIFORNIA ST.
SAN FRANCISCO, CA 94104
11-204-1210

3737

11/20/2012

PAY TO THE
ORDER OF Contra Costa County

\$125.00**

One Hundred Twenty-Five and 00/100***** DOLLARS

Contra Costa County
County Administration Building
651 Pine Street
Martinez, CA 94553

Notice of Appeal



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