

COUNTY OF HUMBOLDT

AGENDA ITEM NO.

For the meeting of: April 26th, 2016

Date:

April 6th, 2016

To:

Board of Supervisors

From:

County Counsel's Office, Code Enforcement Unit

Blair Angus, Assistant County Counsel

Subject: Administrative Abatement Hearing

Egan Enterprises LLC

575 Connick Creek Road, Garberville California, AP# 222-156-017

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code sections 351-21 and 351-22

- (1) Open the hearing.
- Hold an administrative hearing to determine whether a public nuisance exists on the subject (2) property.
- Adopt the attached Findings of Nuisance and Order of Abatement consistent with the (3) evidence presented at the hearing.
- (4)Close the hearing.

SOURCE OF FUNDING:

General funds as well as Measure Z funds were used to prepare this agenda item Prepared by Jason Sheets and Bernadette Arwood CAO Approval REVIEW: County Counsel Risk Manager Auditor Personnel BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT TYPE OF ITEM: Consent Upon motion of Supervisor Seconded by Supervisor Departmental **Public Hearing** Ayes SEE ACTION SUMMARY Other Nays Abstain PREVIOUS ACTION/REFERRAL: Absent Board Order No. and carried by those members present, the Board hereby approves the recommended action contained in this Board report. Meeting of: Dated

Kathy Hayes, Clerk of the Board

Administrative Abatement Hearing April 26th, 2016 AP# 222-156-017 Page 2

DISCUSSION:

This matter is before your Board sitting as a quasi-judicial tribunal to make a finding that a nuisance does or does not exist on the property.

H.C.C. §351-2 defines a "nuisance" as including:

- "(a) Any condition declared by any statute of the State of California or ordinance of the County of Humboldt to be a nuisance....
- (c) Any condition, act, or failure to act, which is dangerous to human life, or unsafe or detrimental to the public health or safety.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county."

On November 4th, 2015, the Code Enforcement Unit (CEU) received a referral from the Planning and Building Divisions concerning the property located at 575 Connick Creek Road, Garberville. The referral alleged that there were violations of Humboldt County Code dealing with building conditions that could endanger the life, health and safety of the public. On November 6th, 2015, the CEU conducted a site inspection which confirmed an abandoned, unfinished, unsecured structure and the presence of junk vehicles. On November 30th, 2015, the CEU was informed that the subject property was potentially in the middle of a law suit regarding ownership. The CEU was able to confirm that a civil suit (DR150088) had been filed with the Humboldt County Superior Court between Egan Enterprises LLC and Tranum Altan. On December 8th, 2015, a Notice of Nuisance was mailed to the owner of record, Egan Enterprises LLC. The CEU continued to monitor the conditions of the property and on March 18th, 2016, a second site inspection was conducted. There were no significant changes in the conditions on the property and several photographs were taken which are included in the exhibit package. On April 4th, 2016, a Notice to Abate Nuisance was sent to the property owner by certified mail. As a courtesy, a second copy of the Notice to Abate Nuisance was mailed to Tranum Altan.

The CEU believes that an Order of Abatement is necessary to ensure timely corrective action of the violations as the owner/interested parties have failed to abate the violations on the subject property in a timely manner. The Order of Abatement is based on the following:

- 1. The violations observed on the subject property include conditions that violate both state and local law.
- 2. The violations include: California Health and Safety Code Section 17920.3, substandard housing; and Humboldt County Code Section 352-26, junk vehicles.
- 3. The violations have created conditions that are unsafe and detrimental to public health and safety, and constitute a public nuisance, which should be abated.

Administrative Abatement Hearing April 26th, 2016 AP# 222-156-017 Page 3

Therefore, the CEU requests that your Board find that a nuisance exists on the subject property and order the property owner to abate the nuisance within thirty days of the service of the attached Findings of Nuisance and Order of Abatement.

FINANCIAL IMPACT:

Costs to prepare this agenda item and address the nuisances described are from the General Fund and the Measure Z fund. The costs are included in the fiscal year 2015-16 budgets for both funds.

The recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

OTHER AGENCY INVOLVEMENT:

None at this time

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Find that a public nuisance does not exist, and terminate the abatement proceeding. This alternative is not recommended as there are serious violations of State and County code on this property that are impacting the health, safety and welfare of the public. In addition, it does not appear that the owners of the property have any intention to improve the condition of the property on their own.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet to be provided no later than April 13th, 2016

ATTACHMENT "A"

BOARD OF SUPERVISORS COUNTY OF HUMBOLDT

825 FIFTH STREET EUREKA, CALIFORNIA 95501 PHONE (707) 445-7471

FINDINGS OF NUISANCE & ORDER OF ABATEMENT

In Re: Abatement Hearing

Egan Enterprises LLC 575 Connick Creek Rd, Garberville, California; AP# 222-156-017

April 26th, 2016

WHEREAS, Humboldt County Board of Supervisors (Board) considered the evidence concerning conditions on the subject property, including relevant documents, writings, codes, ordinances and oral testimony; and

WHEREAS, the Board declares that the conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood

Now therefore the Board Finds:

- 1. The property located at 575 Connick Creek Rd, Garberville, California is located in a Agriculture General zone, in the unincorporated area of Garberville, Humboldt County, California, referred to as Assessor's Parcel No. 222-156-017; and
- 2. The staff of the Code Enforcement Unit for the County of Humboldt confirmed the existence of violations on the property; and
- 3. The property owners were served with a Notice of Nuisance pursuant to Humboldt County Code §351-12 &13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and
- 4. The property owners have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice; and

Findings of Nuisance and Order of Abatement April 26, 2016 Page 2

- 5. The property owners were served with a Notice to Abate Nuisance pursuant to Humboldt County Code §351-15; to wit, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owners were sent a certified letter containing the Notice to Abatement Nuisance with the date and time of the hearing; and
- 6. The property owners have the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County; and
- 7. The violations still exist at the property and the property remains in violation of California Health and Safety Code Section 17920.3, substandard housing; and Humboldt County Code Section 352-26, junk vehicles; and
- 8. The conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood.

NOW, THEREFORE, IT IS HEREBY:

ORDERED:

- 1. The forgoing findings, including the findings of conditions constituting a public nuisance on the subject property, are incorporated herein by reference and made a part hereof;
- 2. That the property owners abate all violations of the Humboldt County Code as described above. The property owners shall take the following actions:

H&S§17920.3

Substandard housing

Corrective Actions:

a) Secure structure against entry by unauthorized persons.

H.C.C.§352-26

Junk vehicles

Corrective Actions:

- a) Restore vehicle(s) to operative condition, and/or
- b) Remove inoperable vehicles, and/or
- c) Store inoperative vehicles within enclosed structure
- 3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement, including a final inspection by the Code Enforcement Unit;
- 4. That the Code Enforcement Unit is directed to take all necessary steps to assure the

Findings of Nuisance and Order of Abatement April 26, 2016 Page 3

abatement is completed as ordered. If the property owners fail to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance and shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated:							
Chair, Hum	boldt Co	unty]	Board	of Su	perv	isor	'S



COUNTY OF HUMBOLDT

825 Fifth Street, Eureka, California 95501 Telephone (707) 476-2429 - Telecopier (707) 445-6297

In Re: ADMINISTRATIVE ABATEMENT HEARING

COUNTY v. EGAN ENTERPRISES, LLC

A.P. No. 222-156-017

April 26, 2016 1:30 p.m. Case No. 15CEU-74

EXHIBIT PACKET

The following exhibits are submitted on behalf of the Code Enforcement Unit in the above-referenced matter:

EXHIBIT A-- Location map (2 pages)

EXHIBIT B-- Trustee's Deed Upon Sale (4 pages)

EXHIBIT C-- Notice of Nuisance dated November 30, 2015, with Proof of Service (7 pages)

EXHIBIT D – Notice to Abate Nuisance dated March 30, 2016 (6 pages)

EXHIBIT E -- Copies of relevant sections of Humboldt County Code [§§ 331-11 and 352-26 (9 pages)

EXHIBIT F – Photograph of subject property taken November 6, 2015 (1 page)

EXHIBIT G – Photographs of subject property taken December 15, 2015 (3 pages)

EXHIBIT H – Photographs of subject property taken March 16, 2016 (1 page)

Dated: 04/15/2016

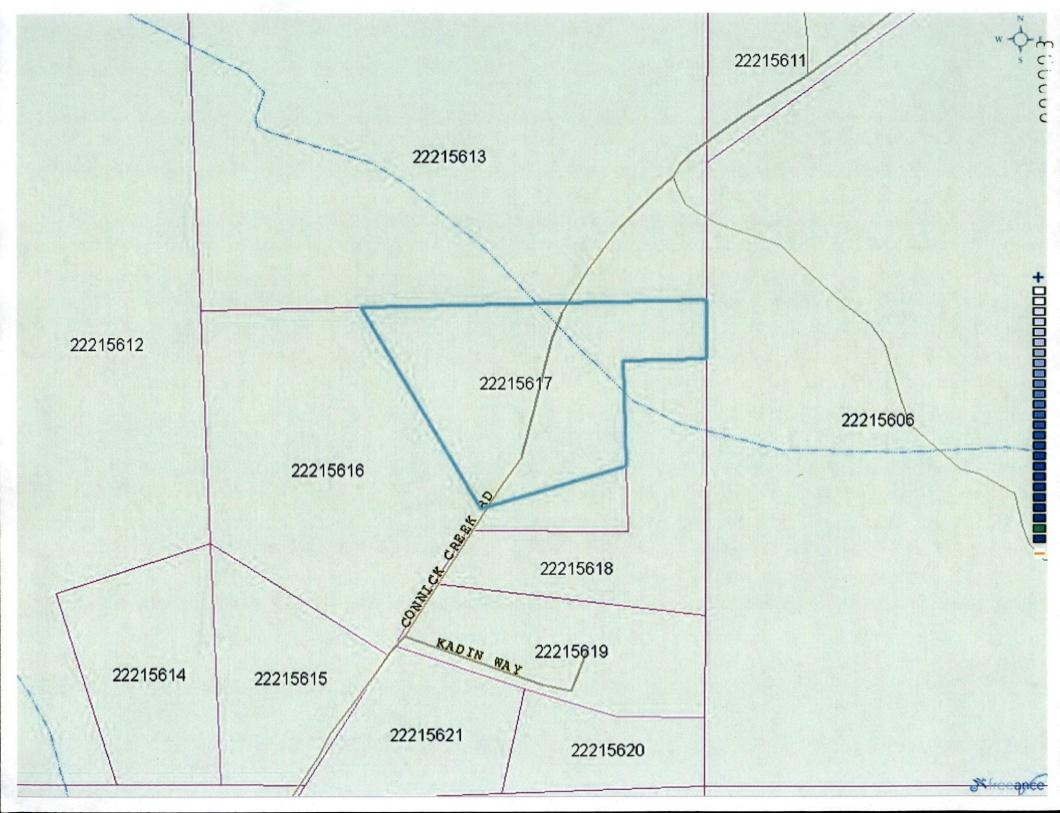
CODE ENFORCEMENT UNIT

JASON SHEETS
Deputy County Counsel

Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "A"

Location Map





Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "B"

Trustee's Deed Upon Sale

2015-013978-4 Recorded - Official Records Humboldt County, California Kelly E. Sanders, Recorder Recorded by: HLTCO Rec Fee: \$22.00

RECORDED AT THE REQUEST OF:

Foreclosure Specialists LLC & Humboldt Land Title Co.

Mail tax statements to and WHEN RECORDED MAIL TO:

Egan Enterprises, LLC Attn: Rene' Imperiale-Egan 1821 Barney St. Fortuna, CA 95540

150994 DD

TS #14-2100

Clerk: LH Total: \$22.00 Jul 17, 2015 at 15:24:48

Order #150994

TRUSTEE'S DEED UPON SALE

The undersigned grantor declares:

(1) The grantee herein was the foreclosing beneficiary.

- (5) Said property is in the unincorporated area

Foreclosure Specialists, LLC, as the duly appointed Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without covenant or warranty, express or implied, to

Egan Enterprises, LLC

(herein called Grantee), all of its right, title and interest in and to that certain property situated in the unincorporated area, County of Humboldt State of California described as follows: See Exhibit "A" attached hereto and made a part hereof for legal description.

TRUSTEE STATES THAT: This conveyance is made pursuant to the powers conferred upon said Trustee by that certain Deed of Trust dated September 19, 2011 and executed by Dan C. Dobbs, a single man, as Trustor, and recorded September 28, 2011 as Instrument No. 2011-20136-7, of Official Records of Humboldt County, California, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance. Default occurred as set forth in a Notice of Default and Election to Sell, which was recorded in the office of the Recorder of said County. All requirements of law regarding the mailing of copies of notices and the posting and publication of copies of the Notice of Sale, which was recorded, have been complied with.

Said property was sold by said Trustee at public auction on July 1, 2015 at the place named in the Notice of Sale, in the County of Humboldt, California, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefore to said Trustee the amount bid, \$175,000.00, in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

In witness whereof, said Foreclosure Specialists LLC, as Trustee, has this day caused its name to be hereunto affixed by its manager thereunto duly authorized by its Articles of Organization.

Date: July 2, 2015

FORECLOSURE SPECIALISTS LLC as Trustee aforesaid

yan Bockern, Manager

1 of 4

ACKNOWLEDGMENT

On7/15	/15	before me		
	77		e, C. Van	Dresar, Notary Public
			(inser	t name and title of the officer)
nis/her/their aut person(s), or the	horized capaci e entity upon b ENALTY OF P	ty(ies), and that ehalf of which t	t by his/her/ti the person(s)	me that he/she/they executed the same their signature(s) on the instrument the acted, executed the instrument. The State of California that the foregoing

OR #2015-013978-4 2 of 4

Attachment B

Legal Description

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE

Lot 4 of Tract No. 498, Connick Creek Subdivision, as shown on the Map thereof filed in the Office of the Humboldt County Recorder, in Book 22 of Maps, Pages 59, 60, and 61.

PARCEL TWO:

A non-exclusive easement for ingress, egress and public and private utilities for residential and agricultural purposes, over the existing road from the Briceland County Road to the South boundary of said land, including the bridge over Connick Creek in and over a strip of land 50 feet in width, the center line of which is described as follows:

BEGINNING at a point on the center line of Briceland Road, which bears South 937.84 feet and East 593.18 feet from the quarter section corner common to Sections 23 and 26, Township 4 South, Range 3 East Humboldt Meridian;

thence North 13 degrees 00 minutes 00 seconds East, 17.23 feet;

thence along a curve to the left with a radius of 60.00 feet through an angle of 63 degrees 32 minutes 00 seconds for a distance of 66.53 feet;

thence North 50 degrees 32 minutes 00 seconds West. 20.97 feet;

thence along a curve to the right with a radius of 80.00 feet, through an angle of 36 degrees 42 minutes 00 seconds for a distance of 51.24 feet;

thence North 13 degrees 50 minutes 00 seconds West. 57.39 feet;

thence along a curve to the left, with a radius of 600.00 feet through an angle of 1 degree 58 minutes 30 seconds for a distance of 20.68 feet;

thence North 11 degrees 51 minutes 30 seconds West 103.11 feet;

thence along a curve to the left, with a radius of 50.00 feet, through an angle of 114 degrees 02 minutes 00 seconds for a distance of 99.51 feet;

thence South 54 degrees 06 minutes 30 seconds West, 156.56 feet;

thence along a curve to the left with a radius of 125.00 feet, through an angle of 13 degrees 35 minutes 00 seconds for a distance of 29.63 feet;

thence South 40 degrees 31 minutes 30 seconds West, 80.05 feet;

thence along a curve to the right, with a radius of 100.00 feet through an angle of 52 degrees 10 minutes 30 seconds for a distance of 91.06 feet;

thence North 87 degrees 18 minutes 00 seconds West 139.20 feet;

thence along a curve to the left with a radius of 250.00 feet through an angle of 4 degrees 35 minutes 15 seconds for a distance of 20.02 feet;

thence South 88 degrees 06 minutes 45 seconds West, 84.80 feet;

thence along a curve to the right with a radius of 100.00 feet, through an angle of 39 degrees 01 minute 45 seconds for a distance of 68.12 feet;

thence North 52 degrees 51 minutes 30 seconds West 98.29 feet,

thence along a curve to the right with a radius of 100.00 feet, through an angle of 28 degrees 53 minutes 30 seconds for a distance of 50.43 feet;

A.P. 222-156-017

thence North 23 degrees 58 minutes 00 seconds West 64.64 feet;

thence along a curve to the right with a radius of 300.00 feet, through an angle of 6 degrees 35 minutes 30 seconds for a distance of 34.51 feet;

thence North 17 degrees 22 minutes 30 seconds West 67.42 feet;

thence along a curve to the right with a radius of 60.00 feet through an angle of 162 degrees 58 minutes 00 seconds for a distance of 170.66 feet;

thence South 34 degrees 24 minutes 30 seconds East 5.71 feet;

thence along a curve to the left with a radius of 70.00 feet, through an angle of 129 degrees 28 minutes 00 seconds, for a distance of 158.17 feet;

thence North 16 degrees 07 minutes 30 seconds East, 38.09 feet;

thence along a curve to the right, with a radius of 100.00 feet, through an angle of 33 degrees 42 minutes 00 seconds, for a distance of 58.82 feet;

thence North 49 degrees 49 minutes 30 seconds East, 31.79 feet;

thence along a curve to the right, with a radius of 100.00 feet through an angle of 20 degrees 36 minutes 00 seconds for a distance of 35.95 feet;

thence North 70 degrees 25 minutes 30 seconds East, 65.65 feet;

thence along a curve to the left, with a radius of 100.00 feet through an angle of 48 degrees 56 minutes 00 seconds, for a distance of 85.40 feet;

thence North 21 degrees 29 minutes 30 seconds east, 130.95 feet;

thence along a curve to the right, with a radius of 550.00 feet, through an angle of 5 degrees 13 minutes 00 seconds, for a distance of 50.08 feet;

thence North 26 degrees 42 minutes 30 seconds East, 102.61 feet to the South line of said Section 23.

EXCEPTING therefrom that portion thereof lying within Lot 8 of said Tract No. 498.

PARCEL THREE:

The non-exclusive right to use in common with others, the existing road running in a Northerly direction from said lands to the County Road and the Summer Bridge across the Eel River.

This right is subject to the terms of an agreement between Velma V. Marshall and Donna Dae Brisbin, being the same as conveyed to Gregory N. Terry, et ux, in Deed recorded November 6, 1990, as Recorder's Serial No. 1990-27131-6.

PARCEL FOUR:

The right to take and use water from the following sources of water:

(a) A spring on land now owned by Donna Dae Brisbin located as follows:

At a point North 15 degrees 30 minutes West, 1,580 feet from the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 23, Township 4 South, Range 3 East, Humboldt Meridian, together with the right to lay and maintain a pipe line from said spring to the Southwest Quarter of the Southeast Quarter of said Section 23.

(b) One-half of Grantor's right to take water from the site near Eel River on property owned by Pancoast lying to the East of the Tario property, as set forth in a Grant of Easement recorded November 29, 1968 in Book 983, Official Records of Humboldt County, Page 245.

Being the same as conveyed to Gregory W. Terry, et ux, in Deed recorded November 6, 1990, as Recorder's Serial No. 1990-27131-6.

PARCEL FIVE

A non-exclusive easement for ingress, egress and public utility purposes in and across Parcel "A" and Parcel "B" (Connick Creek Road) as shown on said Map.

PARCEL SIX

A non-exclusive easement for water utility facilities in and across Parcel "F" as shown on said Map.

Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "C"

Notice of Nuisance



Recording Requested By & For Benefit Of: COUNTY OF HUMBOLDT

When Recorded, Mail To: CODE ENFORCEMENT UNIT Courthouse Bldg., 825 Fifth Street Eureka, California 95501 707.476.2429

Exempt From Fees Per Gov't C. § 27383

2015-023538-7
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT COUNTY

Clerk: LH Total: \$0.00 Dec 17, 2015 at 14:55:19 CONFORMED COPY

NOTICE OF NUISANCE

Owner:	Egan Enterprises LLC	
Address of Subject Premises	575 Connick Creek Road, Garberville, California; AP# 222-156-017	

NOTICE IS HEREBY GIVEN that conditions described on "Attachment A" exist on premises situate in the County of Humboldt, State of California, as described on Attachment "B", which are in violation of state law and the Humboldt County Code. These conditions exist to an extent that endanger the life, limb, health, property, safety or welfare of the public and, as such, constitute a "nuisance". Therefore,

YOU ARE HEREBY ORDERED to immediately abate said nuisance. Failure to immediately abate said nuisance may result in:

- Imposition of an administrative penalty. The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made a special assessment against the premises, shall become a lien upon the property and may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and, further, shall be subject to the same interest and the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes, and/or it may be collected as a personal obligation against you; and/or
- Commencement on an abatement proceeding before the County Board of Supervisors. If corrective action is not undertaken and diligently pursued to abate the nuisance within thirty (30) days from service on you of this Notice of Nuisance, then the Code Enforcement Unit may apply to the Board of Supervisors of Humboldt County for an order to abate the nuisance. In the event the Code Enforcement Unit applies to the Board of Supervisors for an order to abate the nuisance, the cost of such abatement may become a charge against the premises and in that event may be made a special assessment against the premises which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and may be subject to the same penalties and interest, under the same procedure of foreclosure and sale, in the case of delinquency, as is provided for in ordinary county taxes; and/or
- Commencement of a civil action. In the event the Code Enforcement Unit commences a civil action for injunctive relief and to abate the nuisance, you may be liable for monetary damages including the costs of abatement, civil fines and penalties, as well as for court costs and attorney's fees.

Please be advised — Violation of Humboldt County Code is a misdemeanor, punishable by imprisonment in the County Jail for a term not exceeding six (6) months, or a fine up to \$1,000, or both such fine and imprisonment, for each day of a violation.

Dated: November 30, 2015

Jason Sheets Counsel

A.P. No: 222-156-017

File No: 15CEU074

"Attachment A'

Code Section	Nature of Violation	Corrective action required
5 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
5 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
5 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
5 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
J § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
§ 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
	Non-approved water supply system	Apply for permits for system or removal
J § 331-14	Grading without permits	Apply for and obtain permits
§ 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
§ 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
3712	Maintaining a junkyard	 a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
] § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
J § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
] § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
J § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
J § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
		ACCOMPANIES AND ACCOMPANIES AN
marks:		

A.P. No. 222-156-017

Attachment B

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A.P. 222-156-017

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Being the same as conveyed to Gregory W. Terry, et ux, in Deed recorded November 6, 1990, as Recorder's Serial No. 1990-27131-8.

PARCEL FIVE

A non-exclusive easement for ingress, egress and public utility purposes in and across Parcel "A" and Parcel "B" (Connick Creek Road) as shown on said Map.

PARCEL SIX

A non-exclusive easement for water utility facilities in and across Parcel "F" as shown on said Map.

PROOF OF SERVICE

STATE OF CALIFORNIA)	8 88		
COUNTY OF HUMBOLDT) ss.	500 600		
I, LACY MITCHELL,	, say:			
I am a citizen of the Humboldt, State of California Humboldt County Courthouse NOTICE OF NUISANCE; I	a, and not a party to e, Eureka, California;	the within action; that on <u>December</u> :	that my business ac 2, 2015, I served a to	ldress is
addressed to each of U.S. Postal Service	by of the aforemention the parties and cause and/or picked up by a aid at Eureka, Californ ied Mail)	ed each such envelo an authorized repres	pe to be deposited ventative, on that sa	with the
	Egan Enterp		3.0	
	1821 Barne	The state of the s	A 3	
	Fortuna, CA	A 95540		
	2.30	TI W		
		•		
by personally delive	ering a true copy there	eof to the person as	forth below.	
		* * 1	***	
by placing a true cor attorney/parties name	by thereof in the designed below.	gnated place at Cou	rt Operations to the	
	34			
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	40		
by fax				
# * *				
I declare under penalty	of perjury that the fo	oregoing is true and	d correct.	
Executed on the 2nd d	lay of December, 201	15, at the City of Ex	reka, County of Hu	ımboldt,
The state of the s	~	301 MS	\$0.00	
	Tagge	Mitchell Level Off	ice Assistant	
	Lacy	Mitchell, Legal Off	ice Assistant	

	POS-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CODE ENFORCEMENT UNIT	FOR COURT USE ONLY
COUNTY OF HUMBOLDT	
825 FIFTH STREET, ROOM 110	
EUREKA, CA 95501	
TELEPHONE NO.: (707) 476-2429 FAX NO. (Optional): (707) 445-6297	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: COUNTY COURTHOUSE	
MAILING ADDRESS: 825 FIFTH STREET	
CITY AND ZIP CODE: EUREKA, CA 95501	
BRANCH NAME:	
PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT	CASE NUMBER:
DEFENDANT/RESPONDENT FOR The Land	
DEFENDANT/RESPONDENT: Egan Enterprises	AND
	Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS	15CEU-74
	The second secon
(Separate proof of service is required for each party ser	ved.)
At the time of service I was at least 18 years of age and not a party to this action.	
I served copies of:	
a. summons	
- Sangan	
c. Alternative Dispute Resolution (ADR) package	
d. Civil Case Cover Sheet (served in complex cases only)	
e. cross-complaint	
f. vother (specify documents): NOTICE OF NUISANCE	*
a. Party served (specify name of party as shown on documents served):	
Egan Enterprises	a de la compansión de l
 Derson (other than the party in item 3a) served on behalf of an entity or as an a under item 5b on whom substituted service was made) (specify name and relationship) 	authorized agent (and not a person
under hem 50 off whom substituted service was made) (specify hame and relati	uonsnip to the party named in item saj.
Address where the party was served: 575 15 15 17 17 17 17 17 17 17	charuilly an oresun
Address where the party was served: 575 Connick Creck Rd, Ga	The ville, en 45542
I served the party (check proper box)	
a. by personal service. I personally delivered the documents listed in item 2 to	
	(2) at (time):
	ft the documents listed in item 2 with or
in the presence of (name and title or relationship to person indicated in item 3	3):
	The state of the s
(1) (business) a person at least 18 years of age apparently in charge	at the office or usual place of business
of the person to be served. I informed him or her of the general na	
	The State of the Children and the
(2) (home) a competent member of the household (at least 18 years of	
place of abode of the party. I informed him or her of the general na	iture of the papers.
(3) [physical address unknown) a person at least 18 years of age a	pparently in charge at the usual mailing
address of the person to be served, other than a United States Po	
him or her of the general nature of the papers.	
(4) I thereafter mailed (by first-class, postage prepaid) copies of the d	ocuments to the person to be served
at the place where the copies were left (Code Civ. Proc., § 415.20	
	a declaration of mailing is attached.
(5) attach a declaration of diligence stating actions taken first to at	
The state of the s	Page 1 of 2
Form Adopted for Mandatory Use DECOE OF SERVICE OF STRABACKIS	Code of Civil Procedure, § 417.10

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UT	NIT	CASE NUMBER:	
DEFENDANT/RESPONDENT:			
5. c. by mail and acknowledgment of receipt of ser address shown in item 4, by first-class mail, posts	vice. I mailed the doc	cuments listed in item 2	to the party, to the
(1) on (date):	(2) from (cit)	ν):	
(3) with two copies of the Notice and Acknotome. (Attach completed Notice and Acknotome. (4) to an address outside California with re	owledgment of Receiption	of and a postage-paid	DC 6415.301
d. v by other means (specify means of service and ac	·		
Posted on Premises 12/15	1/15		
Additional page describing service is attached.			
The "Notice to the Person Served" (on the summons) was cor a. The as an individual defendant.			
b. as the person sued under the fictitious name of (st	necify):		
d. On behalf of (specify):	w 1901		
under the following Code of Civil Procedure section	n:		
416.10 (corporation)	415.95 (b	usiness organization, f	orm unknown)
416.20 (defunct corporation)	416.60 (m	inor)	
416.30 (joint stock company/association or partnership)		ard or conservatee)	
416.50 (public entity)	415.46 (oc	ithorized person)	and the state of the
	other.		
Person who served papers a. Name: Bernadette Arwood	L	CC.	
b. Address: 825 Fifth Street, Eureka, CA 95501		* * * * * * * * * * * * * * * * * * *	
c. Telephone number: (707) 476-2429			
d. The fee for service was: \$ 0.00		a a Mineral Comment	
e. lam:			
not a registered California process server. (2) very exempt from registration under Business and Pr	nfessions Code secti	on 22350@b	A ST CONTRACTOR OF THE STATE OF
(3) a registered California process server	cano ina terrollois s	Wareled : Binvier los	Weise at it is
(1) owner employee inde	pendent contractor.	the formula in the control	CONTRACTOR OF THE PARTY OF THE
(ii) Registration No.:	100 march 100 ma	and the second proper	Mark the Checking 1 (Co.) In the Checking Control
		Marany pura	
1 declare under penalty of perjury under the laws of the	state of California tha	t the foregoing is true	and correct.
or secured to experiment as the second of the Arthurst of			A
I am a California sheriff or marshal and I certify that the	e foregoing is true an	d correct.	
never to each a governous action of the last of the control of the governor action for the governor action for the control of the governor action for the control of the governor action for the control of the control			LUĢ
least 18 years of age anner sailty in charge at the usual mailing			F (F)
han a United States Foatel Service post of deducer Architektri		white Are	mb
prepaid) copies of the documents to the person to be regreed.	first class, postage p	t thereafter mailed (b)	
de Civ. Proc. § 415.20). I mailed the documents on or a declaration of mailing is attactived.	e coples were left (Co tern (city):		
actions telen first to afternot personal solvice.			(a)
GREWSCHIEGO			41444444
PROOFISERVIC	EOFSUMMONS	14	First process of Collection Use

Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "D"

Notice to Abate Nuisance



Recording Requested By & For Benefit

COUNTY OF HUMBOLDT

When Recorded, Mail To: CODE ENFORCEMENT UNIT Courthouse Bldg., 825 Fifth Street Eureka, California 95501 (707) 476-2429

NOTICE TO ABATE NUISANCE

[Humboldt County Code § 351-12]

Address of Premises: 575 Connick Creek Road, Garberville; AP# 222-156-017

To: Egan Enterprises LLC

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on <u>April 26th, 2016</u>, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, in the Supervisor's Chambers, located at 825 5th Street, Eureka, California,

TO SHOW CAUSE, if any there be, why such conditions listed on "Attachment A" should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

[Continued on next page]

At the time and place specified in this notice, the Board shall proceed to hear the testimony of the undersigned enforcement official, his/her assistants or deputies, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement, and other matters which the Board may deem pertinent.

You may appear at the hearing with an attorney or other representative, call and cross-examine witnesses and present evidence on your behalf.

Upon the conclusion of the hearing, the Board may terminate the abatement proceedings, or it may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable time, not less than thirty (30) days, for the completion of such abatement.

Such order may further provide that, in the event such abatement is not commenced, prosecuted and completed within the terms set by the Board, the undersigned enforcement official shall be empowered and authorized to abate said nuisance. Upon the expiration of the time limits set by the Board, the undersigned enforcement official shall abate said nuisance. The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus County personal property is sold, and the proceeds from such sale shall be paid to the County into a revolving fund.

The order may further provide that the cost of such abatement shall become a charge against the premises and shall be made a special assessment against the premises; and that said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and shall be subject to the same penalties, interest, under the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes.

Dated: March 30th, 2016

Deputy County Counsel

A.P. No: 222-156-017

File No: 15CEU-74

"Attachment A"

Code Section	Nature of Violation	Corrective action required
§ 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
☐ § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
S 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
5 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
§ 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
5 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
§ 331-11.5	Non-approved water supply system	Apply for permits for system or removal
☐ § 331-14	Grading without permits	Apply for and obtain permits
5 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
§ 352-26	Junk vehicles	 a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
§ 3712	Maintaining a junkyard	 a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
□ § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
□ § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
§ 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
☐ § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
5 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
91001.11 UHC	Hazardous or Insanitary Premises	Remove excess vegetation and other materials that provide habitat for vectors
Remarks;		
		A.P. No. <u>222-156-017</u>

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT) ss.
I, TERI GRIDLEY, say:
I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, Eureka, California; that on <u>April 4, 2016</u> , I served a true copy NOTICE TO ABATE NUISANCE
하다 보다 마시아 마시아 그래요?
by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below:
Egan Enterprises LLC
1821 Barney Street
Fortuna, CA 95540
by personally delivering a true copy thereof to the person as forth below.
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.
by fax
I declare under penalty of perjury that the foregoing is true and correct.
Executed on the 4th day of April, 2016, at the City of Eureka, County of Humboldt, State of alifornia.
Dough don
Teri Gridley, Legal Office Services Manager
. 하는 사람들은 그 사람들은 사람들이 가는 그는 그를 가는 것이 살아 하셨다. 이번 바쁜 그를 가지 않는 것이 없다.

-	PUS-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CODE ENFORCEMENT UNIT COUNTY OF HUMBOLDT	FOR COURT USE ONLY
825 FIFTH STREET, ROOM 110 EUREKA, CA 95501	
TELEPHONE NO.: (707) 476-2429 FAX NO. (Optional): (707) 445-6297	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT	CASE NUMBER:
DEFENDANT/RESPONDENT: EGAN ENTERPRISES, LLC	
	Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS	15CEU-74
(Separate proof of service is required for each party	served.)
 At the time of service I was at least 18 years of age and not a party to this action. I served copies of: 	
a. summons	
Summons .	
b complaint	
c. Alternative Dispute Resolution (ADR) package	
d. Civil Case Cover Sheet (served in complex cases only)	
e cross-complaint	
f. other (specify documents): NOTICE TO ABATE NUISANCE	
3. a. Party served (specify name of party as shown on documents served):	
EGAN ENTERPRISES, LLC	
b. Person (other than the party in item 3a) served on behalf of an entity or as	an authorized agent (and not a norman
under item 5b on whom substituted service was made) (specify name and	relationship to the party named in item 3a):
Address where the party was served:	
575 CONNICK CREEK RD, GARBERVILLE, CA 95542	
5. I served the party (check proper box)	
a. by personal service. I personally delivered the documents listed in item receive service of process for the party (1) on (date):	(2) at (time):
b by substituted service. On (date): at (time):	I left the documents listed in item 2 with or
in the presence of (name and title or relationship to person indicated in its	əm 3):
(1) (business) a person at least 18 years of age apparently in cha	arga at the office or usual place of business
(1) (business) a person at least 18 years of age apparently in characteristic of the person to be served. I informed him or her of the general	[1] [27] (1) [1] [2] [2] [2] [2] [2] [2] [2] [2] [2] [2
(2) (home) a competent member of the household (at least 18 ye	ars of age) at the dwelling house or usual
place of abode of the party. I informed him or her of the gener	
(3) (physical address unknown) a person at least 18 years of a address of the person to be served, other than a United States him or her of the general nature of the papers.	
(4) I thereafter mailed (by first-class, postage prepaid) copies of the	he documents to the person to be served
at the place where the copies were left (Code Civ. Proc., § 41	
(date): from (city): or	a declaration of mailing is attached.
(5) attach a declaration of diligence stating actions taken first	to attempt personal service.
	Page 1 of 2

-	F/PETITIONER: CODE ENFORCEMEN		CASE NUMBER:
DEFENDANT/F	RESPONDENT: EGAN ENTERPRISES,	, LLC	
с.	by mail and acknowledgment of receipt of address shown in item 4, by first-class mail,	of service. I mailed the docum , postage prepaid,	ents listed in item 2 to the party, to the
	(1) on (date):	(2) from (city):	
	to me. (Attach completed Notice	and Acknowledgement of Rec	and a postage-paid return envelope address reipt.) (Code Civ. Proc., § 415.30.)
·	(4) to an address outside California		
d. 🗸	by other means (specify means of service	to the first the second of the	
	POSTED ON PREMISES 4/4/16 A	T 12:15PM.	
	Additional page describing service is attached	ed.	
The "Notic	te to the Person Served" (on the summons) was an individual defendant.	vas completed as follows:	
b	as the person sued under the fictitious name	e of (specify):	
С.	as occupant.		
d	On behalf of (specify):		
	under the following Code of Civil Procedure		
	416.10 (corporation)		iness organization, form unknown)
	416.20 (defunct corporation)	416.60 (mind	
	416.30 (joint stock company/as		d or conservatee)
	416.40 (association or partners		orized person)
	416.50 (public entity)	415.46 (occu	ipant)
Person wh	ho served papers	☐ other:	
	Bernadette Arwood		
	ss: 825 Fifth Street, Room 110, Eurek	a CA 95501	
	one number: (707) 476-2429	ia, 011 75501	
	e for service was: \$ 0.00		
e. I am:	101 001 100 Was. \$ 0.00		
_			
(1)	not a registered California process serve		autoria de la companya del companya de la companya del companya de la companya de
(2)	exempt from registration under Business	and Professions Code section	1 22350(b).
(3)	a registered California process server:		
1.5	(i) owner employee (ii) Registration No.:	independent contractor.	
	(iii) County:		
	(iii) County.		
✓ I de	clare under penalty of perjury under the laws	of the State of California that t	the foregoing is true and correct.
or			
I am	n a California sheriff or marshal and I certif	y that the foregoing is true and	correct.
te: 4/6/16			
ernodette A	Armond	Ronat	the from 1
ernadette A	ATWOOD PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)		Me Mulos

Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "E"

Humboldt County Code Sections

Humboldt County Code § 331-11

[Building conditions endanger life, health, safety or welfare of public]

- (d) <u>Municipality</u>, <u>City</u>, <u>City</u> <u>Limits</u>, <u>Political Jurisdiction</u>. "Municipality," "city limits" and "political jurisdiction" mean the County.
- (e) <u>City Council, Mayor</u>. "City council" and "mayor" mean the Board of Supervisors.
 - (f) City Treasury. "City treasury" means the County Treasury.
- (g) <u>County Engineer</u>. "County engineer" means the Director of the Department of Public Works or duly registered designee. (ord. 2275, § 1, 05/28/2002)
- (h) <u>Board of Appeals</u>, <u>Board of Plumber Examiners</u>. "Board of appeals" and "board of plumber examiners" mean the Humboldt County Building Appeals Board. (Ord. 777 § 5, 7/13/71; Ord. 2275, § 1, 05/28/2002)

331-11, INCORPORATION OF UNIFORM CODES BY REFERENCE.

Each of the following compilations, except as modified hereinafter, are hereby designated and adopted by reference as a part of this chapter with the same force and effect as if they were set out in full herein:

(a) California Building Code and Building Code Standards. (Ord. 2275, § 1, 05/28/2002)

1998 California Building Code, Volumes 1, 2, and 3, based on the 1997 UBC^m, California Building Standards Commission and their respective successor provisions. (ord. 2275, \$ 1, 05/28/2002)

(1) The following provisions of the California Building Code relating to administration are deleted: (Ord. 2275, § 1, 05/28/2002)

Sections 103, 104.1, 104.2.1, and 104.2.2 (ord. 2275, \$ 1, 05/28/2002)

(2) Section 105, relating to administration, of the California Building Code is amended to read as follows: (Ord. 2275, § 1, 05/28/2002)

Section 105. BOARD OF APPEALS. (Ord. 2275, § 1, 05/28/2002)

Section 105.1. GENERAL. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of the members of the Planning Commission and who are not employees of the jurisdiction. The Building Official shall be ex officion member of and shall act as secretary to said board, but shall have no vote on any matter before the board. The board shall render all decisions and findings in writing to the apellant with a duplicate copy to the building official. (Ord. 2275, § 1, 05/28/2002)

Section 105.2. Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. In addition, the board is limited to appeals filed pursuant to: (ord. 2275, § 1, 05/28/2002)

- 1. Section 110. Administrative, California Mechanical Code
- 2. Section 203. Enforecement, Uniform Housing Code
- 3. Section 103.3. Title, Scope and Enforcement, Uniform Sign Code
- 4. Section 207. Enforcement and Permits, California Code for Building Conservation (Ord. 2275, § 1, 05/28/2002)

- (3) Appendix 33, Grading and Excavation is found as Section 331-12 of the Humboldt County Code. (Ord. 2275, § 1, 05/28/2002)
- (4) Section 106.2., Work Exempt from Permit, of the California Building Code relating to administrative is amended to read as follows: (Ord. 2275, § 1, 05/28/2002)
 - Section 106.2. PERMITS REQUIRED EXCEPTIONS. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the County or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following: (ord. 2275, § 1, 05/28/2002)
 - 1. Fences up to six fee (6') (1.8 m) and freestanding masonry walls up to forty-eight inches (48") (1.2 m) in height. (ord. 2275, § 1, 05/28/2002)
 - 2. Curbs, retaining walls and planter boxes that are not over 4 feet (1.2 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. (Ord. 2275, \$ 1, 05/28/2002)
 - 3. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m^2). (Ord. 2275, § 1, 05/28/2002)
 - 4. Television and radio antennas supported on roofs of Group R, Division 3 and Group U occupancies. (Ord. 2275, § 1, 05/28/2002)
 - 5. Window awnings supported by an exterior wall of Group R, Division 3, and Group U occupancies when projecting not more than 54 inches $(1.3\ m)$. (ord. 2275, § 1, 05/28/2002)
 - 6. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over One Hundred Dollars (\$100.00) in valuation in any twelve (12) month period and do not affect any electrical, plumbing, or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. (Ord. 2275, § 1, 05/28/2002)
 - 7. Specifically, excepted from permit requirements without limit to valuation are: (Ord. 2275, \$ 1, 05/28/2002)
 - a. Decorating. (ord. 2275, § 1, 05/28/2002)
 - Painting, papering and similar finish work. (Ord. 2275, § 1, 05/28/2002)
 - c. Installation of floor coverning. (Ord. 2275, § 1, 05/28/2002)
 - d. Cabinet work. (Ord. 2275, § 1, 05/28/2002)
 - e. Moveable cases, counters and partitions not over 5 feet 9 inches (1.7 m) high. (ord. 2275, § 1, 05/28/2002)

This section shall not be construed to require separate building permits for a dwelling and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

264

8. Agricultural buildings, other than milking barns, not intended for the use of the general public, on lands zoned Agriculture Exclusive, Agriculture General, or Timberland Production, or on lands shown by the General Plan as Agricultural and zoned Unclassified or on any other land zoned to permit agricultural uses as a principal use. The Chief Building Inspector shall issue an exemption upon confirming that the subject parcel is so zoned, and that all set-backs or other requirements will be observed.

Agricultural buildings are defined by Section 202-A of the Uniform Building Code as "a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public." (ord. 2275, § 1, 05/28/2002)

- 9. Detached patio covers which are less than 120 square feet in size and which are at least six feet (6') from any other structure. (ord. 1101, § 1, 9/14/76; Ord. 1353, § 1, 9/18/79; Ord. 1876, § 16, 9/26/89; Ord. 2275, § 1, 05/28/2002)
- 10. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2:1. (Ord. 2275, § 1, 05/28/2002)
- 11. Platform and walks not more than 30 inches (762 mm) above grade and not over any basement or story below. (ord. 2275, § 1, 05/28/2002)
- 12. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927 L). (ord. 2275, § 1, 05/28/2002)
- (5) Any building or structure exempt from a building permit pursuant to subsection (4) above shall comply with all applicable zoning requirements, including setbacks, height, lot coverage, and permitted uses. (Ord. 2275, § 1, 05/28/2002)
- (6) Section 3303, Protection of Pedestrians during Construction or Demolition. The following paragraph is added as the last paragraph of Section 3303.1, General, of the Building Code: (Ord. 2275, § 1, 05/28/2002)

ENCROACHMENT PERMITS. Pursuant to Chapter 1, Division 1, of Title 4 (commencing with Section 411-1) of the Cod of Humboldt County, an encroachment permit must be obtained prior to performing work in or placing materials on a County right of way. (Ord. 1101 § 4, 9/14/76; Ord. 2275, § 1, 05/28/2002)

- (b) California Mechanical Code. (Ord. 2275, § 1, 05/28/2002)
- 1998 California Mechanical Code, based on the 1997 UMC™
- (1) The following sections, subsections, and paragraphs of the California Mechanical Code relating to administration are deleted:

Section 108.1, General, and Section 108.2, Deputies (ord. 2275, § 1, 05/28/2002)

- (c) California Plumbing Code. (Ord. 2275, § 1, 05/28/2002)
- 1998 California Plumbing Code, based on the 1997 UPC™
- (1) The following provisions are hereby deleted from the Uniform Plumbing Code which has been incorporated by reference herein-above: (Ord. 2275, § 1, 05/28/2002)

Sections 308.1, 312.0, Part II - Buillding Sewers, Sections 713 - 716, 718, 719, and 721 - 723. (ord. 2275, \$ 1, 05/28/2002)

Building sewers shall comply with the County's water and sewer regulations. (Ord. 2275, § 1, 05/28/2002)

- (d) California Electrical Code. (Ord. 2275, § 1, 05/28/2002)
- 1998 California Electrical Code, based on 1996 National Electrical Code®
- (e) Uniform Housing Code. (Ord. 2275, § 1, 05/28/2002)

Uniform Housing Code, 1997 Edition, adopted and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. 1101, § 1, 9/14/76; Ord. 2275, § 1, 05/28/2002)

(1) The following provisions of the Uniform Housing Code relating to enforcement are deleted: (Ord. 2275, § 1, 05/28/2002)

Sections 201.1, Authority. (Ord. 2275, § 1, 05/28/2002)

(2) Section 202 relating to the enforcement of the Uniform Housing Code is amended to read as follows: (Ord. 2275, § 1, 05/28/2002)

Section 202. <u>SUBSTANDARD BUILDINGS</u>. All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in Section H-1101 et seq. of this Code or as otherwise provided by law. (Ord. 1101 § 4, 9/14/76)

(f) Uniform Sign Code.

Uniform Sign Code (including the appendices thereto), 1997 Edition, adopted and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (ord. 1101, § 1, 9/14/76; ord. 2275, § 1, 05/28/2002)

- (1) The following provisions of the Uniform Sign Code are deleted: Sections 103.1, Authority. (ord. 2275, § 1, 05/28/2002)
- (g) California Building Conservation Code. (Ord. 2275, § 1, 05/28/2002)

1998 California Code for Buidling Construction, based on the 1997 UCBC™, California Building Standards Commission. (Ord. 2275, § 1, 05/28/2002)

- (h) Historical Building Code. (Ord. 2275, § 1, 05/28/2002)
- 1998 California Historical Building Code, California Building Standards Commission. (Ord. 2275, § 1, 05/28/2002)
 - (i) Energency Code 1998 Energy Code, California Building Standards Commission (Ord. 2275, \$ 1, 05/28/2002)

(j) For all of the above cited codes, it is intended that the references include all of their respective successor provisions. (Ord. 2275, § 1, 05/28/2002)

331-11.5 WATER SUPPLY REQUIREMENTS.

- (a) An applicant for a building permit must provide proof acceptable to the Chief Building Inspector and Health Department that each dwelling unit will be served by an individual water supply which will supply at least 720 gallons of potable water per day or by a public water supply which conforms to the requirements of the State of California Waterworks Standards (22 California Administrative Code § 64551 et seq.). (Ord. 2275, § 1, 05/28/2002)
- (b) A "individual water supply" is a water system no required to conform with the California Safe Drinking Water Act (Health and Safety Code § 4010 et seq.).
- (c) If the available water is not potable, the plans provided shall include the equipment needed to make the water potable.
- (d) Violation of this section alone is not sufficient grounds for a building code abatement proceeding. (ord. 1518, \$ 1, 3/30/82)

Humboldt County Code § 352-26

[Junk Vehicles]

or registration available, including but not limited to registration certificates of title or license plates. (Ord. 746, § 12, 1/12/71; Ord. 2093, § 1, 10/17/95)

352-23. NOTICE OF LIEN.

If assessment is ordered against the land on which the vehicle is located, the Enforcement Official shall cause a Notice of Lien to be prepared and recorded in the office of the County Recorder of the County of Humboldt. Said notice shall contain the following:

- (a) An address, legal description or other description sufficient to identify the premises.
- (b) A description of the proceedings under which the special assessment was made.
 - (c) The claim of lien upon the described premises. (Ord. 746, § 13, 1/12/71)

352-24. PRIORITY OF LIEN.

Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be on a parity with the liens of State and County taxes. (Ord. 746, § 13, 1/12/71)

. 352-25. COLLECTION BY AUDITOR.

The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of lien on the assessment roll as a special assessment. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and interest, and to the same procedure for foreclosure and sale in case of delinquency as is provided for ordinary County taxes, and all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment. (Ord. 746, § 15, 1/12/71)

352-26. PENAL PROVISIONS.

- (a) It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving of any licensed or unlicensed junk vehicle upon any private property or public property not including highways for a period in excess of five (5) days unless such junk vehicle is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. (ord 746, § 16, 1/12/71; Ord. 2332, § 1, 11/02/2004)
- (b) Any person violating any provision of this chapter shall be punished by a mandatory fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not to exceed six months, or by both such fine and imprisonment, and shall provide proof that the costs of removal and lawful disposition of the vehicle have been paid. Proof that the costs of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment. (Ord. 2332, § 1, 11/02/2004)

- (c) The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. The filing of a report of sale or transfer of the vehicle by a transferee pursuant to Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the department pursuant to subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision. (Ord. 2332, § 1, 11/02/2004)
- (d) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption appearing in subdivision (c) by demonstrating the he or she has complied with vehicle Code sections 5900 or 5602 or providing other proof satisfactory to the court. (ord. 2332, § 1, 11/02/2004)

Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "F"

Photographs of subject property taken November 6, 2015



Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

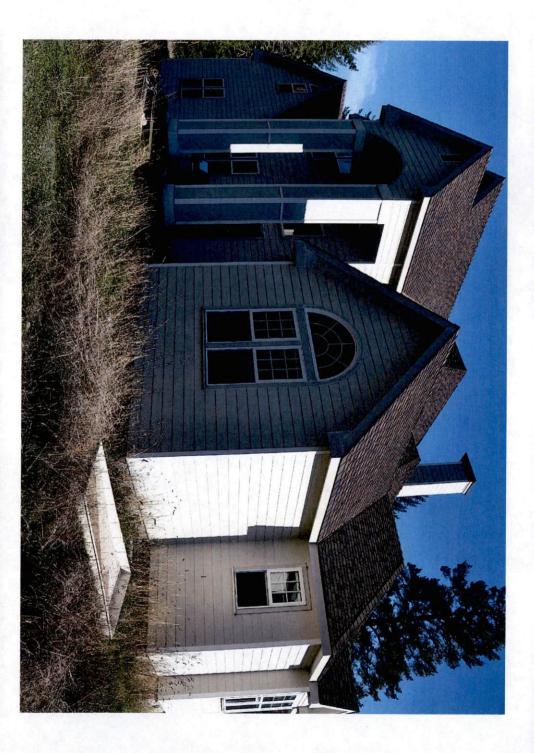
EXHIBIT "G"

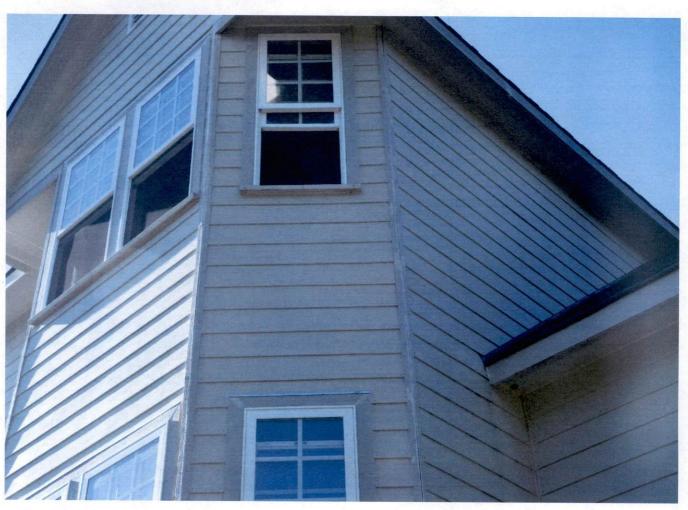
Photographs of subject property taken December 15, 2015













Administrative Abatement Hearing, County v. Carolee and Egan Enterprises, LLC A.P. No. 222-156-017

EXHIBIT "H"

Photographs of subject property taken March 16, 2016



