

## Attachment E

# Notice of Nuisance Abatement Assessment



COUNTY OF HUMBOLDT  
CODE ENFORCEMENT UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

Government Code §27383

# NOTICE OF NUISANCE ABATEMENT ASSESSMENT

[Humboldt County Code §351-16]

Address of Affected Property: 120784 State Hwy 101, Orick, California. 95555

Assessor's Parcel Numbers: 520-086-008 & 520-086-009

To: Green Valley Motel, LLC  
DBA Green Valley Motel  
1732 Almanor St.  
Oxnard, CA 93030

Amanda Kushwaha  
Agent For Service Process  
1732 Almanor St.  
Oxnard, CA 93030

**NOTICE IS HEREBY GIVEN** that the Humboldt County Code Enforcement Unit has taken the actions described in "Attachment A – Actions Required to Abate Nuisance" to correct the condition or conditions found to constitute a nuisance on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description."

**NOTICE IS FURTHER GIVEN** that the Code Enforcement Unit will seek to levy a nuisance abatement assessment against the affected property in the amount of **Four Hundred Eighty-Five Thousand Niney-Nine Dollars and Seventy-Seven Cents (\$485,099.77)** in order to recover the abatement costs, administrative costs and/or attorney's fees, as described in "Attachment C – Account of Costs Incurred and Proceeds Received," that were incurred to correct the condition or conditions found to constitute a nuisance on the affected property.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an objection to the proposed assessment within ten (10) calendar days after service of this Notice of Nuisance Abatement Assessment.

**NOTICE IS FURTHER GIVEN** that an objection to the proposed assessment must be prepared using the form attached hereto as "Attachment D – Cost Recovery Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors, and issue a Notice of Cost Recovery Hearing as set forth in Humboldt County Code Section 351-18.

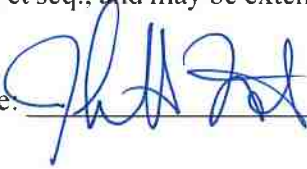
**NOTICE IS FURTHER GIVEN** that the date of the Cost Recovery Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Cost Recovery Hearing is served.

**NOTICE IS FURTHER GIVEN** that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding a Cost Recovery Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Nuisance Abatement Assessment.

**NOTICE IS FURTHER GIVEN** that the final nuisance abatement assessment, as approved by the Humboldt County Board of Supervisors, may become a charge against the affected property and may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

**NOTICE IS FURTHER GIVEN** that the final nuisance abatement assessment, as approved by the Humboldt County Board of Supervisors, may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

Signature: \_\_\_\_\_



Title: Director – Planning and Building Dept.

Name: John Ford

Date: \_\_\_\_\_

8/24/2023

# ATTACHMENT A

## ACTIONS REQUIRED TO ABATE NUISANCE

| Violations                                                                                                                              | Nature of Corrective Actions Taken                                                                                                                                         | Date                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| §351-3(c)<br>(Both APNs)<br><br>&<br><br>§521-1<br>§521-4<br>§521-12<br>(APN: 520-086-009)<br><br>&<br><br>§354-1<br>(APN: 520-086-009) | Gas Station: Building Dept. - Fire Damage Inspection                                                                                                                       | January 10, 2022                     |
|                                                                                                                                         | Gas Station: Building Dept.-Write Fire Damage Report                                                                                                                       | January 13, 2022                     |
|                                                                                                                                         | Gas Station: Prepare Notice to Abate Nuisance and Notice of Violation and Proposed Civil Administrative Penalty                                                            | January 19, 2022                     |
|                                                                                                                                         | Gas Station: Serve Notice to Abate Nuisance & Notice of Violation and Proposed Civil Administrative Penalty                                                                | January 20, 2022                     |
|                                                                                                                                         | Gas Station: Prepare Rescind and Release Notice: Notice of Violation and Proposed Administrative Penalty                                                                   | January 28, 2022                     |
|                                                                                                                                         | Gas Station: Prepare Notice of Intent to Abate and Remove Junk Vehicle per Humboldt County Code 354-1 <i>et seq.</i> for Junk/Inoperable Vehicles                          | February 3, 2022                     |
|                                                                                                                                         | Building Department Follow Up Inspection                                                                                                                                   | April 6, 2022                        |
|                                                                                                                                         | Building Department Follow Up Inspection                                                                                                                                   | June 8, 2022                         |
|                                                                                                                                         | Building Department Follow Up Inspection                                                                                                                                   | September 30, 2022                   |
|                                                                                                                                         | Motel: Prepare DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                                         | October 19, 2022                     |
|                                                                                                                                         | Motel: Serve Notice of Nuisance Abatement Assessment Lien                                                                                                                  | October 24, 2022                     |
|                                                                                                                                         | Gas Station: Drive-By Inspection                                                                                                                                           | October 24, 2022                     |
|                                                                                                                                         | Motel & Gas Station: Upload Photographs of Notice of Nuisance Abatement Assessment Lien Posting at Green Valley Motel and Drive By Inspection Photos of Former Gas Station | October 25, 2022                     |
|                                                                                                                                         | Motel: Continued preparation of DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT for Demolition                                                         | October 26, 2022                     |
|                                                                                                                                         | Motel & Gas Station: Compose and Send Email to Owner Regarding Consent to Access Property for Continued Abatement Work                                                     | October 28, 2022                     |
|                                                                                                                                         | Gas Station: Proofread INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                                                           | October 31, 2022                     |
|                                                                                                                                         | Motel: Prepare Draft of DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                                | October 31, 2022 to November 2, 2022 |
|                                                                                                                                         | Motel & Gas Station: Phone Call with Owner's Son Vijay Kushwaha, Upload Documents, Meet with Karen Meynell Regarding Upcoming Inspection                                   | November 1, 2022                     |
|                                                                                                                                         | Gas Station: Continued Preparation of DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                  | November 7, 2022                     |
|                                                                                                                                         | Gas Station: Notice of Unsafe Structure Prepared                                                                                                                           | November 8, 2022                     |
|                                                                                                                                         | Building Dept. – Write Notice of Unsafe Structure                                                                                                                          | November 9, 2022                     |

| Violations                                                                                                                             | Nature of Corrective Actions Taken                                                                                                                                        | Date              |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| §351-3(c)<br>(Both APNs)<br><br>&<br><br>§521-1<br>§521-4<br>§521-12<br>(APN: 520-086-009)<br><br>&<br><br>§354-1<br>(APN:520-086-009) | Gas Station: General Case Work: Upload Notice of Unsafe Structure Documents                                                                                               | November 9, 2022  |
|                                                                                                                                        | Gas Station: Prepare DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                                  | November 16, 2022 |
|                                                                                                                                        | Follow Up Inspection                                                                                                                                                      | December 2, 2022  |
|                                                                                                                                        | Motel: Record Notice of Nuisance Abatement Assessment Lien for Green Valley                                                                                               | December 27, 2022 |
|                                                                                                                                        | Motel: Respond to Public Complaint Via Email                                                                                                                              | January 11, 2023  |
|                                                                                                                                        | Motel: Respond to Public Complaint Via Email                                                                                                                              | January 12, 2023  |
|                                                                                                                                        | Motel and Gas Station: Drive By Inspection of Property                                                                                                                    | January 20, 2023  |
|                                                                                                                                        | Motel: Prepare DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                                        | February 21, 2023 |
|                                                                                                                                        | Motel: Prepare DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT and ORDER OF ABATEMENT                                                                 | February 24, 2023 |
|                                                                                                                                        | Motel: Prepare Attachments for DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                                        | February 27, 2023 |
|                                                                                                                                        | Motel: Drafts of DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT and ORDER OF ABATEMENT Completed and Submitted to Management for Review              | February 28, 2023 |
|                                                                                                                                        | Motel & Gas Station: Contact Orick Community Services District Regarding Necessary Paperwork for Demolition Permit                                                        | February 28, 2023 |
|                                                                                                                                        | Motel: Make Final Edits to DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT and INSPECTION WARRANT AND ORDER OF ABATEMENT and Submit to County Counsel | March 1, 2023     |
|                                                                                                                                        | Gas Station: Write INSPECTION WARRANT AND ORDER OF ABATEMENT Draft and Begin Compiling List of Warrant Attachments for the Declaration                                    | March 1, 2023     |
|                                                                                                                                        | Motel: Manually Correct Warrant Numbering in the DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT                                                      | March 1, 2023     |
|                                                                                                                                        | Motel: Make Corrections to DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT based on County Counsel's Recommendations                                  | March 1, 2023     |
|                                                                                                                                        | Motel & Gas Station: Drive By Inspection                                                                                                                                  | March 3, 2023     |
|                                                                                                                                        | Motel & Gas Station: Upload Drive By Inspection Photos and Add Case Note                                                                                                  | March 6, 2023     |
|                                                                                                                                        | Motel: Proofread Order of Abatement and List of Declaration Attachments                                                                                                   | March 7, 2023     |
|                                                                                                                                        | Gas Station: Warrant Prep: List of Declaration Attachments                                                                                                                | March 8, 2023     |
|                                                                                                                                        | Motel: Add Task Order and Professional Service Agreement to List of Declaration Attachments and Update Warrant Declaration                                                | March 22, 2023    |

| Violations                                                                                                                             | Nature of Corrective Actions Taken                                                                                                                                                                                                                            | Date                             |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| §351-3(c)<br>(Both APNs)<br><br>&<br><br>§521-1<br>§521-4<br>§521-12<br>(APN: 520-086-009)<br><br>&<br><br>§354-1<br>(APN:520-086-009) | Gas Station: Add Task Order and Amended Professional Service Agreement to List of Attachments                                                                                                                                                                 | March 22, 2023                   |
|                                                                                                                                        | Motel: Submit DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT and INSPECTION WARRANT AND ORDER OF ABATEMENT to Humboldt Superior Court. Add Case Note.                                                                                    | March 27, 2023                   |
|                                                                                                                                        | Gas Station: Final Proofread of Warrant Declaration. Combine all Warrant Attachments. Submit DECLARATION IN SUPPORT OF INSPECTION WARRANT AND ORDER OF ABATEMENT and INSPECTION WARRANT AND ORDER OF ABATEMENT to Humboldt Superior Court. Add Case note      | March 27, 2023                   |
|                                                                                                                                        | Motel & Gas Station: Receive Executed Warrants from Humboldt Superior Court. Upload Executed Warrants to Case File. Print Copies. Prepare Notice of Intent to Serve Inspection Warrant and Order of Abatement                                                 | March 28, 2023                   |
|                                                                                                                                        | Motel & Gas Station: Post INSPECTION WARRANT AND ORDER OF ABATEMENT SW2300221 & SW2300222                                                                                                                                                                     | March 29, 2023                   |
|                                                                                                                                        | Motel & Gas Station: Upload INSPECTION WARRANT AND ORDER OF ABATEMENT Posting Photographs                                                                                                                                                                     | April 3, 2023                    |
|                                                                                                                                        | Motel & Gas Station: Respond to Locations for First Day of Abatement                                                                                                                                                                                          | April 4, 2023                    |
|                                                                                                                                        | Motel & Gas Station: Conduct General Case Work Such As Prepare Proof of Service Form for Danila Parada to Sign; Upload Completed Proof of Service to Case File; Call McCullough Construction; Consult with Karen Meynell Regarding Properties; Add Case Notes | April 5, 2023                    |
|                                                                                                                                        | Motel: Exchange Emails with McCullough Construction and Add Case Note                                                                                                                                                                                         | April 20, 2023                   |
|                                                                                                                                        | Motel & Gas Station: Exchange Emails with McCullough Construction and Building Department; Conduct Research RE: PG&E Disconnect Letter                                                                                                                        | May 3, 2023                      |
|                                                                                                                                        | Motel & Gas Station: Multiple Emails, Phone Calls and Meetings Related to Demo Permit Application                                                                                                                                                             | May 9, 2023                      |
|                                                                                                                                        | Motel & Gas Station: Drive By Inspection                                                                                                                                                                                                                      | May 10, 2023                     |
|                                                                                                                                        | Motel: Abatement Progress Inspection at Request of McCullough Construction                                                                                                                                                                                    | May 19, 2023                     |
|                                                                                                                                        | Gas Station: Abatement Progress Check & Upload Inspection Photos to Case File                                                                                                                                                                                 | May 22, 2023                     |
|                                                                                                                                        | Motel & Gas Station: Final Abatement Verification Inspection and Upload Photographs to Case Files                                                                                                                                                             | May 23, 2023                     |
|                                                                                                                                        | Demolition Verification Inspection                                                                                                                                                                                                                            | May 24, 2023                     |
|                                                                                                                                        | Motel & Gas Station: Return INSPECTION WARRANT AND ORDER OF ABATEMENT SW2300221 & SW2300222 to Humboldt Superior Court                                                                                                                                        | June 6, 2023                     |
|                                                                                                                                        | Notice of Nuisance Abatement Assessment Preparation                                                                                                                                                                                                           | June 30, 2023 to August 16, 2023 |

## **ATTACHMENT B LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ORICK, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Those portions of the Northeast Quarter of Section 4, Township 10 North, Range 1 East, Humboldt Meridian, described as follows:

### **PARCEL ONE**

COMMENCING on the Southerly line of the State Highway as conveyed to the State of California by Robert Swan by Deed of May 16, 1924 recorded May 17, 1924 in Book 169, Page 54 of Deeds, where said East line is intersected by the Southwesterly line of the parcel of land heretofore conveyed by Robert Swan to B.P. McConnaha by Deed recorded in Book 150, Page 443 of Deeds, in the Office of the County Recorder of said County;  
thence along the Southwesterly line of said parcel conveyed to McConnaha, South 48 degrees 30 minutes East, 87.4 feet to the most Southerly corner thereof, said corner being the true point of beginning of the parcel of land to be herein described;

thence from said true point of beginning South 41 degrees 21 minutes West parallel with the State Highway, 425 feet;

thence South 48 degrees 30 minutes East, 75 feet;

thence North 41 degrees 21 minutes East parallel with the State Highway 425 feet; thence North 48 degrees 30 minutes West, 75 feet to the point of beginning.

### **PARCEL TWO**

COMMENCING on the Southeasterly line of the State Highway right of way (as conveyed to the State of California, by Robert Swan by Deed dated May 16, 1924, and recorded May 17, 1924 in Book 169, Page 54 of Deeds) where said East line is intersected by the Southwesterly line of a parcel of land heretofore conveyed by Robert Swan to B.P. McConnaha and C.J. McConnaha by Deed recorded November 17, 1920 in Book 150, Page 443 of Deeds;

thence along the Southwesterly line of said parcel conveyed to McConnaha, South 48 degrees 30 minutes East, 87.4 feet to the most Southerly corner thereof;

thence South 41 degrees 21 minutes West parallel with the State Highway, 425 feet;

thence North 48 degrees 39 minutes West, 87 feet to the said State Highway;

thence along same North 41 degrees 21 minutes East, 425 feet to the point of beginning.

### **PARCEL THREE**

BEGINNING at a point on the East side of the County Road leading from Trinidad to Crescent City (as it existed in the year 1920), distant 220 feet Southwesterly from the Southwest corner of lot conveyed to Orick School District by Robert Swan by Deed dated in November 1919, and recorded in Book 148, Page 457 of Deeds, in the Office of the County Recorder of said County;

thence along the East side of said road South 41 degrees 30 minutes West, 100 feet;

thence South 48 degrees 30 minutes East, 110 feet; thence North 41 degrees 30 minutes East, 100 feet;

thence North 48 degrees 30 minutes West, 110 feet to the point of beginning.

**ATTACHMENT B**  
**LEGAL DESCRIPTION**  
(continued)

**PARCEL FOUR**

An easement for water pipe lines together with the right to lay, replace and maintain said pipe lines over the following described strips of land:

- (1) A strip of land 15 feet in width, the center line of which begins on the Westerly line of the State Highway at a point North 41 degrees 12 minutes East thereon 75 feet from the most Southerly corner of the land conveyed to James L. Hagood and wife by Deed recorded April 23, 1970, under Recorder's Serial No. 5737, in the Office of the County recorder of said County.
- (2) A strip of land 4 feet in width the center line of which begins at Point "A" herein above referred to;  
thence North 48 degrees 42 minutes West, 48 feet to a point (said point for convenience herein is designated as Point "B");  
thence continuing North 48 degrees 42 minutes West, 65 feet;  
thence South 41 degrees 18 minutes West, 75 feet to the Southwesterly line of said land conveyed to James L. Hagood and wife above mentioned.
- (3) A strip of land 4 feet in width, the center line of which begins at Point "B" herein above referred to;  
thence North 3 degrees 42 minutes West to the Northeasterly line of said land  
conveyed to James L. Hagood and wife above mentioned.

# ATTACHMENT C

## ACCOUNT OF COSTS INCURRED AND PROCEEDS RECEIVED

| ABATEMENT COSTS                                              |                                                                                                                                                                  |                     |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Violation                                                    | Nature of Cost Incurred                                                                                                                                          | Amount              |
| §351-3(c)<br>&<br>§521-1<br>§521-4<br>§521-12<br>&<br>§354-1 | Asbestos Abatement                                                                                                                                               | \$313,879.75        |
|                                                              | Disposal Fees                                                                                                                                                    | \$59,485.63         |
|                                                              | Demolition                                                                                                                                                       | \$87,563.25         |
|                                                              | Permits and Misc.                                                                                                                                                | \$7,693.82          |
|                                                              | K-Rail                                                                                                                                                           | \$6,430.00          |
|                                                              | <b>Total:</b>                                                                                                                                                    | <b>\$475,052.45</b> |
| ADMINISTRATIVE COSTS                                         |                                                                                                                                                                  |                     |
| Violation                                                    | Nature of Cost Incurred                                                                                                                                          | Amount              |
| §351-3(c)<br>&<br>§521-1<br>§521-4<br>§521-12<br>&<br>§354-1 | <u>Staff Time Motel:</u><br>Admin Analyst - .50 hrs. @ \$106/hr. = \$53.00<br>Code Enforcement Investigator – 47.99 hrs. @ \$115/hr. = \$5,518.85                | \$9,854.58          |
|                                                              | <u>Staff Time Gas Station:</u><br>Code Enforcement Investigator – 22.91 hrs. @ \$115/hr. = \$2,749.65<br>Building Inspector – 15.25 hrs. @ \$100.53 = \$1,533.08 |                     |
|                                                              | Motel Mileage - .54 x 229.8 miles = \$124.09<br>Gas Station Mileage - .54 x 90.7 miles = \$ 48.97                                                                | \$173.06            |
|                                                              | Mailing Costs                                                                                                                                                    | \$19.68             |
|                                                              | <b>Total:</b>                                                                                                                                                    | <b>\$10,047.32</b>  |

# ATTACHMENT C

## ACCOUNT OF COSTS INCURRED AND PROCEEDS RECEIVED

| ATTORNEY'S FEES                                  |                                     |                 |
|--------------------------------------------------|-------------------------------------|-----------------|
| Violation                                        | Nature of Cost Incurred             | Amount          |
| §351-3(c)<br>§521-4<br>§354-1                    | County Counsel – 0 hrs. @ \$134/hr. | \$0.00          |
| PROCEEDS RECEIVED FROM SALE OF PERSONAL PROPERTY |                                     |                 |
| Violation                                        | Property Sold                       | Amount Received |
| §351-3(c)<br>§521-4<br>§354-1                    | None                                | \$0.00          |

# ATTACHMENT D

## COST RECOVERY HEARING REQUEST FORM

Address of Affected Property: 120784 State Hwy 101, Orick, California, 95555

Assessor's Parcel Number: 520-086-008

To: Humboldt County Code Enforcement Unit  
3015 H Street  
Eureka California, 95501

Pursuant to Humboldt County Code Section 351-18, I am requesting a hearing to contest the amount of the nuisance abatement assessment proposed to be levied against the affected property in order to recover the abatement costs, administrative costs and/or attorney's fees incurred by the Humboldt County Code Enforcement Unit during the performance of the actions required to correct the condition or conditions found to constitute a nuisance on the affected property.

[Brief statement of the material facts that the requesting party claims support the contention that amount of the proposed assessment is inappropriate under the circumstances of this case]: \_\_\_\_\_

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the amount of the proposed assessment]: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I understand, and agree, that if I fail to appear at the place and time set for the requested Cost Recovery Hearing, as set forth in the Notice of Cost Recovery Hearing issued pursuant to Humboldt County Code Section 351-18, the amount of the proposed assessment will become final, and be summarily approved by the Humboldt County Board of Supervisors, ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment pursuant to Humboldt County Code Section 351-21.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_