

# ATTACHMENT A

## Notice to Abate Nuisance



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

**2017-019539**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 9

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: sc Total: \$0.00  
Oct 30, 2017 at 08:54:45

\*\*\* CONFORMED COPY \*\*\*

# NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

**Address of Affected Property:**

6147 Walnut Drive, Eureka, CA 95503

**Assessor's Parcel Number:**

303-063-029

**Owners:**

Nathan Megazzi-Verco  
6147 Walnut Drive  
Eureka, CA 95503

Donald Garcia  
6147 Walnut Drive  
Eureka, CA 95503

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

**YOU HEREBY ORDERED to ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

**NOTICE IS FURTHER GIVEN** that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a nuisance exists on the affected property must be prepared using the form attached hereto as "Attachment C – Code Enforcement Appeal Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

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

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment 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 costs of the required abatement 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.

**NOTICE IS FURTHER GIVEN** that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit

Signature: Bernadette Arwood

Title: Code Compliance Officer

Name: Bernadette Arwood

Date: 10-20-17

## ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action
§354-1	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
§521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly
§314-81.1	Use of a Recreational Vehicle or Mobile Home as a Residence	Disconnect utilities and cease use as residence
§371-2	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
UHC §1001 and H&S §17920.3	Substandard Housing	Correct or repair substandard conditions as listed on the Conditional Release of Health Hold from the Division of Environmental Health including obtaining a building permit if necessary.
§331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits

**ATTACHMENT B  
LEGAL DESCRIPTION**

The real property situate in the county of Humboldt, State of California, described as:

PARCEL ONE

That portion of the lands in the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian, conveyed to Harry Van Duessen and Ethel Van Deussen, his wife as joint tenants, by deed dated November 23, 1956 and recorded June 17, 1957 in Book 448 of Official Records, page 120, as Recorder's File No. 9097, Humboldt County Records, described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 45 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of said Section 14;

and running thence South 00 degrees 43 feet East, 65 feet to the true point of beginning of the parcel of land to be here described;

thence continuing South 00 degrees 43 feet East, 55 feet;

thence South 89 degrees 31 feet West, 70.00 feet;

thence South 00 degrees 43 feet East, 10 feet;

thence South 89 degrees 31 feet West to the center line of Walnut Street, as conveyed by deed executed by Harry Van Duessen and wife to the county of Humboldt, recorded December 3, 1957 in Book 468 of Official records, page 598 under Recorder's File No. 17761, Humboldt county Records;

thence northeasterly along said center line to a point that bears South 89 degrees 31 feet west from the true point of beginning;

and thence North 89 degrees 31 feet East to the true point of beginning.

EXCEPTING THEREFROM a portion described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of Section 14;

thence South 00 degrees 43 feet East, 65 feet to the true point of beginning;

thence South 00 degrees 43 feet East, 9.04 feet;

thence South 89 degrees 17 feet West, 10 feet;

thence North 00 degrees 43 feet West, 9.04 feet;

thence North 89 degrees 17 feet East, 10 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion described as follows:

BEGINNING at a point located North 00 degrees 43 feet West, 678.00 feet and North 89 degrees 31 feet East, 389.9 feet from the southwest corner of the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian;

thence South 0 degrees 43 feet East, 9 feet;

thence South 89 degrees 31 feet West to the centerline of Walnut Street as described in the deed to the County of Humboldt recorded December 3, 1957 in Book 468 of Official Records, page 598;

thence northeasterly along said centerline to a point which bears South 89 degrees 31 feet West of the point of beginning; thence North 89 degrees 31 feet East to the point of beginning.

PARCEL TWO

That portion of the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian, described as follows;

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of said Section 14;

thence South 00 degrees 43 feet East, 130 feet to the true point of beginning;

thence from said true point of beginning south 89 degrees 31 feet West, 70 feet;

thence South 0 degrees 43 feet East, 37.91 feet to a point located North 0 degrees 43 feet West a distance of 105 feet from the north line of a land shown as Hazelwood Lane on Parcel Map No. 1556 on file in the office of the county recorder of said county in Book 13 of Parcel maps, page 110;

thence North 89 degrees 31 feet East, 70 feet; thence North 0 degrees 43 feet West, 37.91 feet to the true point of beginning.

**ATTACHMENT C**  
**CODE ENFORCEMENT APPEAL HEARING REQUEST FORM**

**Address of Affected Property:**  
6147 Walnut Drive, Eureka, CA 95503

**Assessor's Parcel Number:**  
303-063-029

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

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a nuisance exists on the affected property]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

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 appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

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



PROOF OF SERVICE

STATE OF CALIFORNIA )

) ss

COUNTY OF HUMBOLDT )

I, LACY MITCHELL, 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 Planning and Building; 3015 H Street, Eureka, CA 95503; that on October 25, 2017, I served a true copy of NOTICE TO ABATE NUISANCE;

\_\_\_\_\_ By placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

XX 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 with return receipt requested: (First Class & Certified Mail)

Nathan Megazzi-Verco  
6147 Walnut Drive  
Eureka, CA 95503

Donald Garcia  
6147 Walnut Drive  
Eureka, CA 95503

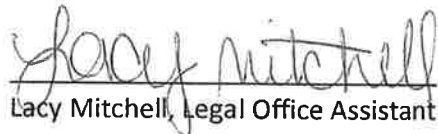
\_\_\_\_\_ by personally posting a copy thereof on the premises located at:

\_\_\_\_\_ by placing a true copy of thereof in the designated place at Court Operations to the attorney/parties named below.

\_\_\_\_\_ by fax or electronic mail

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

Executed on the 25th day of October, 2017 in the City of Eureka, County of Humboldt, State of California.

  
Lacy Mitchell, Legal Office Assistant

