

Attachment EE



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

NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

[Humboldt County Code §352-15]

Address of Affected Property:

2225 Walker Avenue, McKinleyville, CA 95519

Assessor's Parcel Number:

510-281-002-000

Owner:

Glenda M Rasella
2225 Walker Avenue
McKinleyville, CA 95519

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Twenty Seven Thousand Dollars (\$27,000)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 352-3(t), has occurred or exists on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment A – Legal Description."

NOTICE IS FURTHER GIVEN that the Code Enforcement Unit will seek to levy an administrative civil penalty assessment against the property on which the violation occurred or exists in the amount of **Thirty Three Thousand Eighty Six Dollars and Ninety Six Cents (\$33,086.96)** in order to collect the administrative civil penalty and recover the administrative costs and/or attorney's fees, as described in "Attachment B – Account of Costs Incurred," associated with the actions taken by the Code Enforcement Unit to impose the administrative civil penalty, as described in "Attachment C – Actions Required to Impose Administrative Civil Penalty."

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an objection to the proposed assessment that is limited to the amount of the administrative civil penalty, and/or the amount of the administrative costs and/or attorney's fees associated therewith, within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that an objection to the proposed assessment, must be prepared using the form attached hereto as "Attachment D – Administrative Civil Penalty Assessment Appeal Hearing Request Form," and signed under penalty of perjury.

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 Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County Code Section 352-17.


NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal 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 an Administrative Civil Penalty Assessment Appeal Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty assessment, as approved by the Humboldt County Board of Supervisors, may become a lien against the property on which the violation occurred or exists that 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 an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from the date on which the initial civil administrative penalty is imposed.

For the Humboldt County Code Enforcement Unit

Signature: 

Title: Director of Planning and Building

Name: John Ford

Date: 9/13/2024

ATTACHMENT A

LEGAL DESCRIPTION

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

PARCEL ONE:

BEGINNING at the quarter section corner on the South line of said Section 31;
thence North 1 degree 29 minutes East along the quarter section line, 1670.9 feet;
thence North 89 degrees West 926.1 feet to the Northwest corner of land conveyed to Hershel W. White and wife by deed recorded April 9, 1952, in Book 204, Page 220 Official Records, in the office of the County Recorder of said County, said point being the true point of beginning of land to be here conveyed;
thence South 1 degree 29 minutes West along the West line of said land, 280 feet;
thence South 89 degrees East parallel with the North line of said land conveyed to White, 155 feet;
thence North 1 degree 29 minutes East, 280 feet to said North line;
and thence North 89 degrees West along said last-mentioned line 155 feet to the true point of beginning.

PARCEL TWO:

A non-exclusive easement for road purposes over a strip of land, 16 feet wide, the West line of which is described as follows:

BEGINNING at the Southwest corner of Parcel One above described;
thence South 1 degree 29 minutes West 816.2 feet, more or less, to the South line of a strip of land conveyed to Humboldt Northern Railway Co., being the same as conveyed to Clarence A. Eden and wife, by Deed recorded March 1, 1956, in Book 381 of Official Records, Page 249, Humboldt County Records.

PARCEL THREE:

A non-exclusive easement for road purposes over a strip of land, 50 feet wide, the South line of which is described as follows:

BEGINNING at the Southwest corner of Parcel Two above described;
Thence North 70 degrees 25 minutes East along the South line of said railway strip 984-6 feet, more or less, to the quarter of section line, running North and South through the center of said Section 31, being the same as conveyed to Clarence A. Eden and wife, by deed recorded march 1, 1956, in Book 381 of Official Records, Page 249, Humboldt County Records.

ATTACHMENT B

ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§521-1, 521-4, 521-12 & §354-1 & §331-28 & §311-10.1, 314-43.1.1, 312-2.5, 314-43.3	Staff Time: Code Investigator: 13.74 hours at \$115/hour 1.50 hours at \$179/hour Code Compliance Officer: .25 hours at \$106/hour	\$1,580.10 \$268.50 \$26.50
	*Investigator burden rate changed January 2024 to \$179 per hour from \$115 per hour	
	Mileage: 8.8 Miles at \$0.54/mile	\$4.75
	Mailing Costs Including Certified Mail:	\$14.61
	Administrative Civil Penalty Appeal Hearing, held December 8, 2023	
	Total \$8,385.00 divided by 2 (both a Notice to Abate Nuisance and a Notice of Violation and Proposed Administrative Civil Penalty was issued against property)	\$4,192.50
	Total:	\$ 6,086.96

ATTACHMENT C

ACTIONS REQUIRED TO IMPOSE ADMINISTRATIVE CIVIL PENALTY

Violation(s)	Nature of Actions Taken To Impose Administrative Civil Penalty	Date
§521-1, 521-4, 521-12 & §354-1 & §331-28 & §311-10.1, 314-43.1.1, 312-2.5, 314-43.3	Prepare NTA and NOV notices	September 22, 2022
	Mail NTA and NOV notices	September 23, 2022
	Post NTA and NOV notices to property	September 23, 2022
	Prepare hearing packet	April 24, 2023
	Prepare hearing packet	April 25, 2023
	Prepare hearing packet	April 26, 2023
	Prepare appeal hearing notices	October 18, 2023
	Mail and post appeal hearing notices to property	October 18, 2023
	Prepare for appeal hearings	December 7, 2023
	Attend appeal hearings	December 8, 2023
	Prepare letter with findings of appeal hearings	January 29, 2024
	Post service of findings of appeal hearings to property	January 30, 2024
	Prepare Notice of Administrative Civil Penalty	September 10, 2024

ATTACHMENT D
ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL
HEARING REQUEST FORM

Address of Affected Property: 2225 Walker Avenue, McKinleyville, CA 95519

Assessor's Parcel Number: 510-281-002-000

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

Pursuant to Humboldt County Code Section 352-17, I am requesting a hearing to contest the amount of the administrative civil penalty assessment proposed to be levied against the property on which the violation occurred or exists in order to collect the final administrative civil penalty and recover the administrative costs and/or attorney's fees associated with the actions taken by the Humboldt County Code Enforcement Unit to impose the administrative civil penalty.

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the administrative penalty, and/or the administrative costs and/or attorney's fees associated therewith, are 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 Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative civil penalty assessment]:

Name: _____

Address: _____

City, State: _____

Telephone Number: _____

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: _____