



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
J-3

For the meeting of: **September 20, 2016**

Date: **September 8, 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, Garberville, California, AP# 222-156-017**

RECOMMENDATION(S):

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

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

SOURCE OF FUNDING:

General funds were used to prepare this agenda item.

Prepared by Jason Sheets and Bernadette Arwood

CAO Approval

REVIEW:

Auditor _____ County Counsel BA Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
 Public Hearing
____ Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

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 lawsuit 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 of the property and several photographs were taken which are included in the exhibit packet. 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. On April 26th, 2016, an Administrative Abatement Hearing was scheduled before your Board. At that time, your Board decided to continue the Abatement Hearing for 120 days.

On July 20th, 2016, Code Compliance Officer Bernadette Arwood spoke to property owner John Egan on behalf of Egan Enterprises, LLC. Mr. Egan explained that the civil suit between Egan Enterprises, LLC and Tranum Altan was under submission with the Honorable Judge Reinholtsen. Mr. Egan said that if Judge Reinholtsen ruled in their favor he feared Tranum Altan would appeal the decision. After explaining in detail to Mr. Egan what the abatement would entail, Mr. Egan was in favor of supporting the County’s decision to board up the structure and remove the junk vehicles. Mr. Egan further requested that the CEU contact his civil lawsuit attorney Russ Gans and explain the abatement proceedings.

On August 25, 2016, Code Compliance Officer Bernadette Arwood spoke to Mr. Gans’s associate Ryan Plotz. Mr. Plotz stated that Egan Enterprises, LLC would be filing an unlawful detainer against Tranum Altan. Mr. Plotz believed this process could happen fairly quickly. Furthermore, Mr. Plotz asked when the abatement hearing would be heard so that their office could attend and request additional time to abate the violations on the property. However, after speaking to owner John Egan on the afternoon of August 25, 2016, it appeared that Mr. Egan was in disagreement with his attorney’s office. Mr. Egan did not want to

request additional time to abate the violations. Mr. Egan requested the CEU continue the abatement proceedings in hopes that the County could abatement the violations in a timelier manner. On September 1, 2016, a second 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 Trantum Altan and attorney Russ Gans.

The CEU supports Mr. Egan's request to board up the structure and remove the junk vehicles. In order to obtain compliance in a timely manner; the CEU believes an Order of Abatement is necessary. 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: Humboldt County Code Section 331-11, building conditions that endanger the life, health, safety or welfare of the public; and Humboldt County Code Section 352-26, junk vehicles.
3. The violations have created conditions that are unsafe and detrimental to the public's health and safety and constitute a public nuisance, which should be abated.

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:

From the General Fund and Measure Z revenues.

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 County code on the property that are impacting the health, safety and welfare of the public. In addition, it does not appear that the owners of the property are able to abate the violations on their own.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than September 14th, 2016

ATTACHMENT “A”

Findings of Nuisance & Order of Abatement

In Re: Abatement Hearing
Egan Enterprises, LLC
575 Connick Creek Rd, Garberville, California; AP# 222-156-017

**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

September 20, 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 failed to meet the deadlines prescribed by the Notice; and

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 Humboldt County Code Section 331-11, building conditions that endanger the life, health, safety or welfare of the public; 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.C.C. §331-11 Building conditions that endanger the life, health, safety or welfare of the public
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 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: ~~9-20-16~~ 9-20-16



Chair, Humboldt County Board of Supervisors



CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT
825 Fifth Street, Eureka, California 95501
Telephone (707) 476-2429 - - Telecopier (707) 445-6297

In Re: ADMINISTRATIVE PENALTY HEARING

Case No. 15CEU-74

COUNTY v. EGAN ENTERPRISES LLC

A.P. No. 222-156-017

September 20, 2016
9:00 am

EXHIBIT PACKET

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

EXHIBIT A-- Location maps (1 page)

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

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

EXHIBIT D-- Notice to Abate Nuisance dated March 30, 2016 (4 pages)

EXHIBIT E – Notice to Abate Nuisance dated August 30, 2016 (4 page)

EXHIBIT F – Relevant Sections of Humboldt County Code § 331-11 and 352-26 (9 pages)

EXHIBIT G-- Photographs of Subject Property dated September 2, 2016 (3 pages)

Dated: 9/14/2016

Jason Sheets, Deputy County Counsel

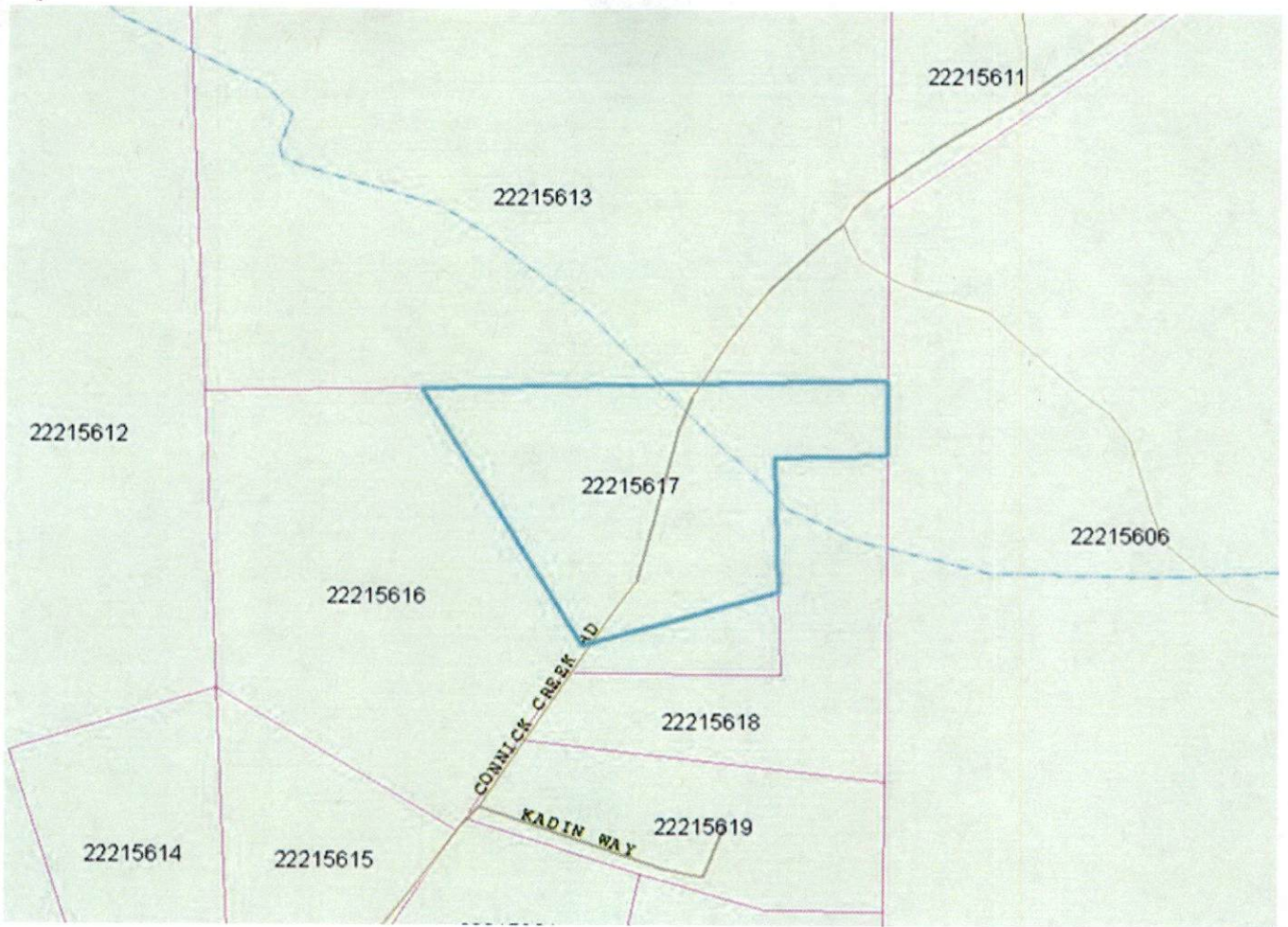
Administrative Abatement Hearing; County v. Egan Enterprises LLC

A.P. No. 222-156-017

EXHIBIT "A"

Maps of Subject Property

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Administrative Abatement Hearing, County v. Egan Enterprises LLC

A.P. No. 222-156-017

EXHIBIT "B"

Trustee's Deed Upon Sale

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RECORDED AT THE REQUEST OF:

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

Foreclosure Specialists LLC &
Humboldt Land Title Co.

Mall tax statements to and
WHEN RECORDED MAIL TO:

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

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

150994 00
TS #14-2100

Order #150994

TRUSTEE'S DEED UPON SALE

The undersigned grantor declares:

- (1) The grantee herein was the foreclosing beneficiary.
- (2) The amount of the unpaid debt together with costs was..... \$371,588.42
- (3) The amount paid by the grantee at the Trustees sale was..... \$175,000.00
- (4) The documentary transfer tax is..... \$0
- (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


Janghe Van Bockem, Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta

On 7/15/15 before me, C. Van Dresar, Notary Public
(insert name and title of the officer)

personally appeared: Janelle Van Bockern
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



Attachment B

Legal Description

DESCRIPTION

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

PARCEL ONE:

Lot 4 of Tract No. 488, Connick Creek Subdivision, as shown on the Map thereof filed in the Office of the Humboldt County Recorder, in Book 22 of Maps, Pages 58, 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 Brice land 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 Brice land 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 60 degrees 32 minutes 00 seconds West, 20.97 feet;
thence along a curve to the right with a radius of 60.00 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 60.00 feet, through an angle of 114 degrees 02 minutes 00 seconds for a distance of 99.51 feet;
thence South 54 degrees 08 minutes 30 seconds West, 166.68 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 29.93 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 67 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 08 minutes 45 seconds West, 64.60 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 88.12 feet;
thence North 62 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;

AP. 222-156-017

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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 170.68 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 18 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 Dee 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 Dee 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 Terjo property, as set forth in a Grant of Easement recorded November 29, 1988 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.

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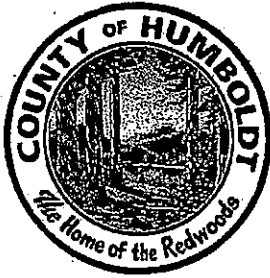
Administrative Abatement Hearing, County v. Egan Enterprises LLC

A.P. No. 222-156-017

EXHIBIT "C"

Notice of Nuisance

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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. S 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
Deputy County Counsel

A.P. No: 222-156-017 File No: 15CEU074

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"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input checked="" type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input type="checkbox"/> § 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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.

A.P. No. 222-156-017

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 29, 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 68.53 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 81.24 feet;
thence North 13 degrees 50 minutes 00 seconds West, 67.39 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 60.00 feet, through an angle of 114 degrees 02 minutes 00 seconds for a distance of 98.51 feet;
thence South 54 degrees 08 minutes 30 seconds West, 156.66 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 29.93 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 81.08 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 89 degrees 09 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

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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 56 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 159.17 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 35.85 feet;
thence North 70 degrees 25 minutes 30 seconds East, 65.85 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, 130.85 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 60.08 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 Dee Brislin, 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 Dee Brislin 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, 1956 in Book 883, 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" (Counick 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)
) 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 Courthouse, Eureka, California; that on December 2, 2015, I served a true copy NOTICE OF NUISANCE; NOTICE OF INTENT TO RECOVER COSTS

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: (Certified Mail.)

**Egan Enterprises LLC
1821 Barney Street
Fortuna, CA 95540**

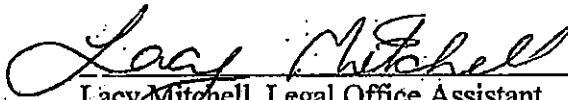
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 2nd day of December, 2015, at the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CODE ENFORCEMENT UNIT COUNTY OF HUMBOLDT 825 FIFTH STREET, ROOM 110 EUREKA, CA 95501 TELEPHONE NO.: (707) 476-2429 FAX NO. (Optional): (707) 445-6297</p> <p>E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p>
<p>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:</p>	
<p>PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT DEFENDANT/RESPONDENT: <i>Egan Enterprises</i></p>	<p>CASE NUMBER:</p>
<p>PROOF OF SERVICE OF SUMMONS</p>	<p>Ref. No. or File No.: <i>15CEU-74</i></p>

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. 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 OF NUISANCE**
3. a. Party served (specify name of party as shown on documents served):
Egan Enterprises
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. 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 2 to the party or person authorized to 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 item 3):
 - (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 nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT	CASE NUMBER:
DEFENDANT/RESPONDENT:	

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Posted on Premises 12/15/15

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): _____

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |

other. **LLC.**

7. Person who served papers
- a. Name: **Bernadette Arwood**
- b. Address: **825 Fifth Street, Eureka, CA 95501**
- c. Telephone number: **(707) 476-2429**
- d. The fee for service was: **\$ 0.00**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server.
- (i) owner, employee, independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **12/16/15**

Bernadette Arwood (Signature)
 NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL

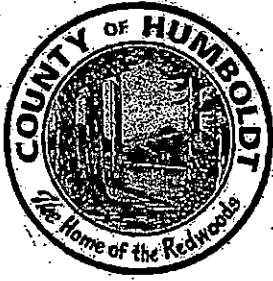
- (1) I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid, and I mailed the documents to the place where the copies were left (Code Civ. Proc., § 415.30.)
- (2) I mailed the documents to the place where the copies were left (Code Civ. Proc., § 415.30.)
- (3) I mailed the documents to the place where the copies were left (Code Civ. Proc., § 415.30.)

PROOF OF SERVICE OF SUMMONS

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

EXHIBIT "D"

Notice to Abate Nuisance- March 30, 2016



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

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 April 26th, 2016, 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]

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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



Jason Sheets
Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input checked="" type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input type="checkbox"/> § 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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input type="checkbox"/> §1001.11 UHC	Hazardous or Insanitary Premises	Remove excess vegetation and other materials that provide habitat for vectors
Remarks:		

A.P. No. 222-156-017

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

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 April 4, 2016, I served a true copy NOTICE TO ABATE NUISANCE

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:

**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.

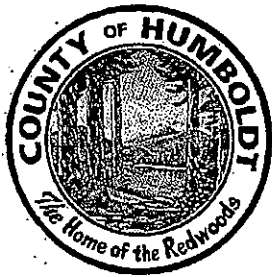
Executed on the 4th day of April, 2016, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

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

EXHIBIT "E"

Notice to Abate Nuisance- August 30, 2016



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

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 September 20, 2016, at the hour of 9:00 a.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]

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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: August 30, 2016



Jason Sheets
Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input checked="" type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input type="checkbox"/> § 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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input type="checkbox"/> §1001.11 UHC	Hazardous or Insanitary Premises	Remove excess vegetation and other materials that provide habitat for vectors
Remarks		

A.P. No. 222-156-017

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 Courthouse, Eureka, California; that on September 2, 2016, I served a true copy of NOTICE TO ABATE NUISANCE:

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: (First Class Mail)

Attorney Russell Gans
814 7th Street
Eureka, CA 95501

Tranum Altan
124 Brewster Street
San Francisco, CA 94110

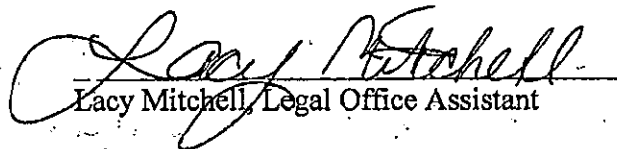
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 2nd day of September, 2016, at the City of Eureka, County of Humboldt, State of California.


Lacy Mitchell, Legal Office Assistant

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

EXHIBIT "F"
Sections of Humboldt County Code

Humboldt County Code § 331-11

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

(d) Municipality, City, City Limits, Political Jurisdiction. "Municipality," "city limits" and "political jurisdiction" mean the County.

(e) City Council, Mayor. "City council" and "mayor" mean the Board of Supervisors.

(f) City Treasury. "City treasury" means the County Treasury.

(g) County Engineer. "County engineer" means the Director of the Department of Public Works or duly registered designee. (Ord. 2275, § 1, 05/28/2002)

(h) Board of Appeals, Board of Plumber Examiners. "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™, 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 officio 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 appellant 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. Enforcement, 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 feet (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 m²). (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)

b. Painting, papering and similar finish work. (Ord. 2275, § 1, 05/28/2002)

c. Installation of floor covering. (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.

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 - Building 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. SUBSTANDARD BUILDINGS. 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 Building 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) Emergency 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 not 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 that 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)

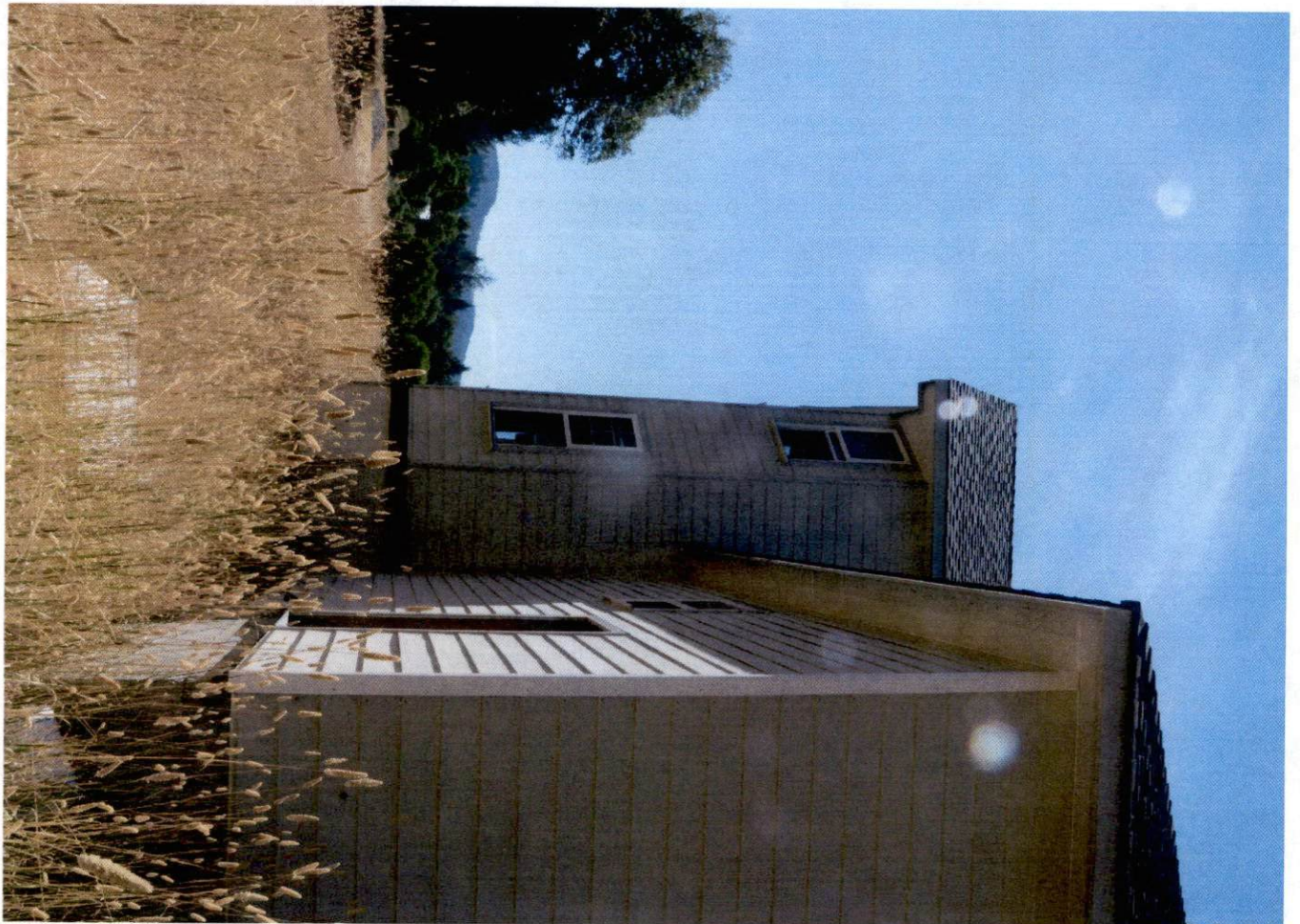
Administrative Abatement Hearing, County v. Egan Enterprises LLC
A.P. No. 222-156-017

EXHIBIT "G"
Photographs of Subject Property

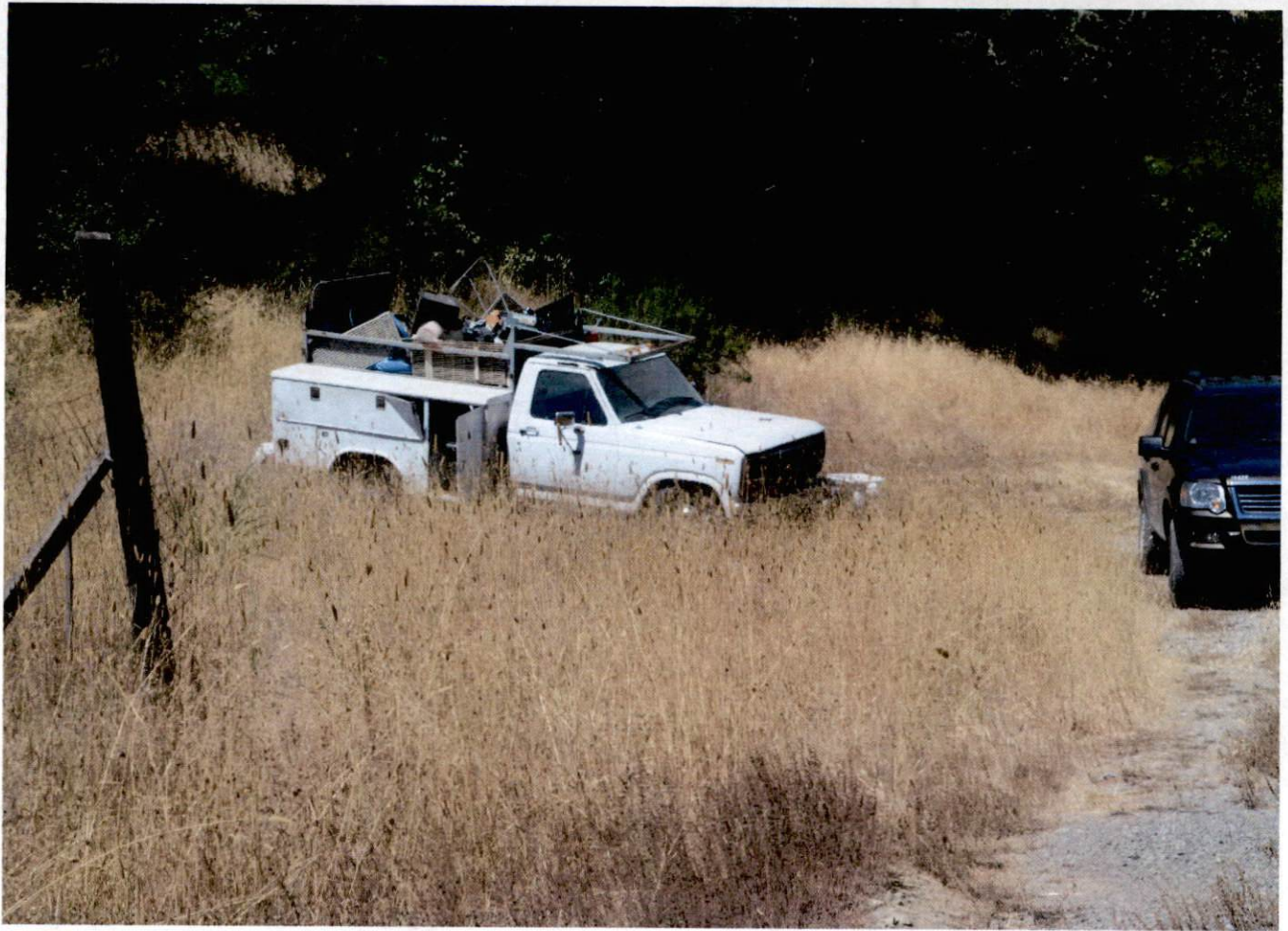
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