ATTACHMENT D

Notice to Abate Nuisance



NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

3029 Eel River Drive, Loleta, CA 95551

Assessor's Parcel Numbers:

309-041-016

Owner:

Margaret Belli P.O. Box 96 Mad River, CA 95552

Occupants:

Anthony DeFraga P.O. Box 716 Loleta, CA 95551 John Bartlett 3029 Eel River Drive Loleta, CA 95551 Wayne Johnson 3029 Eel River Drive Loleta. CA 95551

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 ARE 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: Culif Chenil	Title: Code Enforcement Investigator
Name: Sära Quenell	Date: October 22, 2021

ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action
521-4	Improper Storage and Removal of Solid Waste	Contain and dispose of all solid waste in a proper and legal manner.
354-1	Junk and/or Inoperable Vehicles	a.) Restore vehicle(s) to operative condition, and/or b.) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed legal structure
371-2	Maintaining a Junkyard	a) Contain all debris within 200 square-foot area, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within within enclosed structure
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits, complete work required by permit, and complete final inspection to confirm work OR
-		If building permit is unobtainable, apply for and obtain demolition permit, complete required work for permit, and complete final inspection
313-88.1.1.2	Use of a Recreational Vehicle or Mobile Home as a Residence in the Coastal Zone	Disconnect utilities and cease use of recreational vehicle as a residence
314-61.1	Development in a Streamside Management Area Without a permit	Apply for and obtain permits from the Planning and Building Department
331-14	Grading without permits	Apply for and obtain permits from the Planning and Building Department
611-3	Approved Sewage Treatment System Required	Cease discharge of sewage to ground surface and eliminate risk of future discharge. Pump and/or vault all sewage until permanent corrections can be made.

Code Section	Description	Corrective Action
612-5	Declaration of Public Nuisance: the presence of sewage upon the surface of the ground	Remove and properly dispose of any accumulated sewage on ground surface.

ATTACHMENT B LEGAL DESCRIPTION

Tract A

Parcel One

BEGINNING at the Northwest corner of Section 20 in Township 3 North, Range 1 West, Humboldt Meridian;

and running thence East along the section line, 2.95 chains;

thence South parallel with the section line, 20 chains to the subdivision line;

thence West, 2.95 chains to the section line;

and thence North along the section line, 20 chains to the place of the beginning.

ALSO BEGINNING at the Southwest corner of Section 17 in Township 3 North, Range 1 West, Humboldt Meridian;

and running thence North along the section line, 43 rods;

thence South 64 degrees East to a point 9.31 chains North from the South line of said section; thence South, 9.31 chains to the South line of said Section 17;

and thence West along said last mentioned line, 2.95 chains to the point of beginning.

Parcel Two

That portion of the South Half of Southeast Quarter of Section 18 in Township 3 North, Range 1 West, Humboldt Meridian bounded as follows:

On the South by the South line of said Section 18;

On the East by the East line of said section;

On the North by the centerline of the county road, as conveyed to the County of Humboldt by deed from Christ Paulsen, dated March 23, 1896 and recorded April 18, 1896 in Book 57 of Deeds, page 526, Humboldt County Records; and

On the West by the East line of the Old State Highway, as the same existed on December 10, 1930.

Parcel Three

All that portion of the North Half of Northeast Quarter of Section 19 in Township 3 North, Range 1 West, Humboldt Meridian, lying East of the Easterly line of the Old State Highway, as the same existed on December 10, 1930.

TRACT B:

The Northwest Quarter of the Northwest Quarter of Section 20 in Township 3 North, Range 1 West, Humboldt Meridian, and also a parcel of land in the Southwest Quarter of Section 17, Township 3 North, Range 1 West, Humboldt Meridian, described as:

BEGINNING at a point on the South line of said Section 17, distant 2.95 chains East from the Southwest corner of said Section 17;

and running thence North, 9.31 chains;

thence South 64 degrees East, 21.21 chains, more or less, to the South line of said section; and thence West, along the section line, 19.06, more or less, to the piece of beginning.

EXCEPTING FROM the land above described in said Section 20, the following described parcel:

BEGINNING at the Northwest corner of said Section 20; and running thence East, along the section line, 2.95 chains; thence South, parallel with the section line, 20 chains to the subdivision line; thence West, 2.95 chains to the section line; and thence North, along the section line, 20 chains to the point of beginning.

ALSO EXCEPTING FROM all the lands above in said Sections 20 and 17, those portions lying Easterly of the Westerly line of that portion thereof heretofore conveyed by Dorothea M. Elliott and Charles Elliott Shaffer to the State of California, by deed dated August 30, 1956 and recorded January 9, 1957 as Recorder's File No. 427, Humboldt County Records, and which portion conveyed to the State of California, is described as follows:

BEGINNING at a point from which the Northwest corner of said Section 17 bears North 4 degrees 42 minutes 50 seconds West, 6508.82 feet and from which point of beginning Engineer's Station "G-1" 196+5000 P.O.T. of the Department of Public Works' Survey from 0.4 mile North of Fernbridge to 0.7 mile North of Hookton Road (State Highway I-Hum-1-G) bears South 69 degrees 14 minutes East, 130 feet;

- (1) thence North 19 degrees 35 minutes 52 seconds West, 262.49 feet;
- (2) thence North 44 degrees 59 minutes 40 seconds East, 438.63 feet;
- (3) thence North 20 degrees 46 minutes East, 846.05 feet to the Northeasterly line of Parcel two of said parcels of land (said Northeasterly line being the Northeasterly line of that portion of Section 17 above described);
- (4) thence South 63 degrees 30 minutes East, along said Northeasterly line, 271.35 feet to a line parallel with and 279.00 feet Easterly, measured at right angles from Course (3);
- (5) thence South 20 degrees 46 minutes West, along said parallel line, 918.94 feet to a point that bears South 9 degrees 02 minutes 41 seconds East, 6195.61 feet from said Northwest corner of Section 17 and from which point Engineer's Station "G-1" 201+50.00 P.O.T. of said Survey bears North 69 degrees 14 minutes West, 150 feet;
- (6) thence South 2 degrees 19 minutes 54 seconds West, 316.23 feet;
- (7) thence South 47 degrees 19 minutes 54 seconds West, 223.61 feet;
- (8) thence South 23 degrees 09 minutes 09 seconds West, 70.09 feet to the Southerly line of above described Parcel One (said Parcel One being that portion of said Section 20 above described);
- (9) thence South 89 degrees 56 minutes West, along said Southerly line, 291.81 feet to a point which bears South 19 degrees 20 minutes 04 seconds West from the point of beginning:
- (10) thence North 19 degrees 20 minutes 04 seconds East, 173.87 feet to the point of beginning.

Assessor's Parcel No: 309-041-06, 309-042-04, & 05, 309-051-01 & 32, 309-061-01

ATTACHMENT C CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property: 3029 Eel River Drive, Loleta, CA 95551 Assessor's Parcel Number: 309-041-016 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 violation has occurred or exists on the affected propertyl: [Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected propertyl: [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: 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: _____

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)
I, SARA QUENELL, 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 Planning and Building Department, 3015 H Street, Eureka, California; that on October 22, 2021, I served a true copy of Service Of Notice to Abate Nuisance letter, and attached Notice to Abate Nuisance.
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 & Certified Mail)
by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:
by personally posting a true copy thereof for: Margaret Belli, Anthony DeFraga, Wayne
Johnson, and John Bartlett on the premises located at:
3029 Eel River Drive
Loleta, CA 95551
APN: 309-041-016
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:
by placing a true copy in the County's Mailroom designated to the attorney named below:
I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 22 nd day of October, 2021, in the City of Eureka, County of Humboldt, State of California.

Sara Quenell, Code Enforcement Investigator

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)
I, SARA QUENELL, 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 Planning and Building Department, 3015 H Street, Eureka, California; that on October 22, 2021, I served a true copy of Service Of Notice to Abate Nuisance letter, and attached Notice to Abate Nuisance.
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 & Certified Mail No: 9171 9690 0935 0062 8438 02
Margaret Belli P.O. Box 96 Mad River, CA 95552 by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:
by personally posting a true copy thereof on the premises located at:
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:
by placing a true copy in the County's Mailroom designated to the attorney named below:
I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 22 nd day of October, 2021, in the City of Eureka, County of Humboldt, State of California.
Sära Quenell, Code Enforcement Investigator

STATE OF CALIFORNIA)
) ss. COUNTY OF HUMBOLDT)
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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 & Certified Mail No: 9171 9690 0935 0062 8438 19 Anthony DeFraga P.O. Box 716 Loleta, CA 95551
by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:
by personally posting a true copy thereof on the premises located at:
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:
by placing a true copy in the County's Mailroom designated to the attorney named below:
I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 22 nd day of October, 2021, in the City of Eureka, County of Humboldt, State of California.
Sära Quenell, Code Enforcement Investigator

STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT)
I, SARA QUENELL, 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 Planning and Building Department, 3015 H Street, Eureka, California; that on October 22, 2021, I served a true copy of Service Of Notice to Abate Nuisance letter, and attached Notice to Abate Nuisance.
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 & Certified Mail No: 9171 9690 0935 0062 8438 26 Wayne Johnson 3029 Eel River Drive Loleta, CA 95551
by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:
by personally posting a true copy thereof on the premises located at:
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:
by placing a true copy in the County's Mailroom designated to the attorney named below:
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Sära Quenell, Code Enforcement Investigator

STATE OF CALIFORNIA)
) ss. COUNTY OF HUMBOLDT)
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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 & Certified Mail No. 9171 9690 0935 0062 8438 33
John Bartlett 3029 Eel River Drive Loleta, CA 95551
by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:
by personally posting a true copy thereof on the premises located at:
by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:
by placing a true copy in the County's Mailroom designated to the attorney named below:
I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 22 nd day of October, 2021, in the City of Eureka, County of Humboldt, State of California.

Sara Quenell, Code Enforcement Investigator

If two or more persons go in disguise on the highway, or on the premises of another, with the intent to prevent or hinder his free excercise or enjoyment of any right or privilege so secured.

They shall be fined not more than \$10,000 or imprisoned not more than ten years or both: and if death results, they shall be subject to imprisonment for any term of years or for life."

LAND USE FEE \$5,000 PER PERSON PER DAY, OR ANY PART THEREOF

ALL RIGHTS RESERVED

WWW.landrights.com



COUNTY OF HUMBOLDT
PLANNING AND PLIDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street + Eureka CA 95501

October 22 2021

Wayne Johnson 3029 Eel River Drive Loleta, CA 95551

Re: Se

Service of Notice to Abate Nuisance
Property location: 3029 Eel River Drive, Loleta, CA 95551
APN: 309-041-016

ar Mr. Johnson,

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation. You have the following options:

- Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the Notice will be dismissed.
- Request a hearing before a hearing officer to contest the determination that
 a violation exists. You may request a hearing by completing the attached
 hearing request form within ten (10) days of the service of the Notice.
- Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
- You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 441-2621 or by email at squenell@co.humboldt.ca.us to answer any questions or concerns you may have.

Sincerely,

Sara Quenell

Code Enforcement Investig

Attachment: Notice to Abate Nuisance



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
GODE ENFORCEMENT

3015 H Street * Eureka CA 95501

October 22, 2021

Anthony DeFraga 3029 Eel River Drive

Re: Service of Notice to Abate Nuisance Property location: 3029 Eel River Drive, Loleta, CA 95551 APN: 309-041-016

Dear Mr. DeFraga

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation. You have the following options:

- Correct the violations within ten (10) days of the service of the Notice. Once
 you contact us with this information and we are able to confirm it, the Notice
 will be dismissed.
- Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
- Enter into a Compliance Agreement with the County that would suspend
 enforcement action for a reasonable amount of time to allow you to correct
 the violations. If the conditions of the agreement are met, then the Notice
 will be dismissed.
- 4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 441-2621 or by email at squenell@co.humboldt.ca.us to answer any questions or concerns you may have.

Sincerely,

aut Quenell

ode Enforcement Investigato

ttachment: Notice to Abate Nuisance



PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street * Eureko CA 95001

October 22, 2021

Margaret Belli 3029 Eel River Drive Loleta, CA 95551

Re: Service of Notice to Abate Nuisance
Property location: 3029 Eel River Drive, Loleta, CA 95551

Dear Ms. Bell

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

- Correct the violations within ten (10) days of the service of the Notice. Once
 you contact us with this information and we are able to confirm it, the Notice
 will be dismissed.
- Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
- Enter into a Compliance Agreement with the County that would suspend
 enforcement action for a reasonable amount of time to allow you to correct
 the violations. If the conditions of the agreement are met, then the Notice
 will be dismissed.
- 4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 441-2621 or by email at squenell@co.humboldt.ca.us to answer any questions or concerns you may have.

Sincerely, Gunoo

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COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureko CA 9350) Phone: (707) 476-2429 • Fax: (707) 268-3792

John Bartlett 3029 Eel River Drive

Loleta, CA 95551

October 22, 2021

Re: Service of Notice to Abate Nuisance Property location: 3029 Eel River Drive, Loleta, CA 95551 APN: 309-041-016

Dear Mr. Bartlett,

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation. You have the following options:

- Correct the violations within ten (10) days of the service of the Notice. Once
 you contact us with this information and we are able to confirm it, the Notice
 will be dismissed.
- Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
- Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
- 4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

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ncerely,

Sara Quenell Code Enforcement Investigator

Attachment: Notice to Abate Nuisance

10/22/2021 11:36