

March 25, 2022

Humboldt County Planning Commission
Planning Department
3015 H street-4484
Eureka, CA 95501

Dear Planning Commission Members,

My name is Cena Marino, I have lived in my home at 1848 Circle Drive since 1977. I am the owner of the property parcel north of and adjacent to Parcel #015-152-028. I was surprised to receive the public notice of Mr Holgersen's Minor Subdivision and Coastal Development Permit in yesterday's mail.

Mr. Holgersen has approached me two or three times in person and once through his lawyer to ask for a right-of-way or drainage easement through my yard to facilitate drainage of surface water from his proposed minor housing development into Circle Drive. The first time was probably in 2018 or 2019 when he left his business card saying he had bought the property in back of my house. That seemed like a neighborly introduction. That may have been the first time he asked my permission to lay a pipe through my yard. I told him 'no' at that time. Joan and Ted Romo, who own property directly east of his parcel, contacted me to tell me that Holgersen was planning to build 4 homes on his property that would impinge on their right of way and that they had told him they were not interested either.

Mr. Holgersen came to my house again sometime before COVID shut things down to suggest he wanted to perhaps put a swale through my property. I do not recall if this was my second or third interaction with him, but I told him that even if I did want to comply with his request, I would not as there was no storm drain on Circle Drive and water already pooled in front of my neighbors house after a heavy rainfall. Additionally, I had already installed a French drain to divert water that pooled on my patio after it rained. My neighbor to the east has a garage and carport cement slab starting about a foot from my property line and extending to the foundation of his house and does not want a pipe for water extending to Circle Drive either.

I received a letter from Mr. Holgersen's lawyer, Mr Frederic Fletcher, dated November 18, 2019 offering me \$5000 for a drainage easement! I called his office to explain that his client had repeatedly asked and been denied my permission. He said he would take care of the problem. I heard no more until receiving the public notice yesterday.

Besides the water drainage problem described above, I know of no plans by the County to install storm drains on Circle Drive. Also, Mr. Holgersen's plans would involve removing five established trees or large bushes and 2 smaller bushes from my front or back side yard to complete his plans and refiguring my landscape and fencing.

I have spoken to three of my neighbors who would be most affected by these plans and own their own homes as well. I will ask them to cosign this letter below. They may also call and or write to the Commission. Thank you for your attention to this problem and we urge you to deny this permit unless and until Mr. Holgersen can make plans to pump the water south to Edgewood (if that street has storm drains) and resolve the dispute over use of the Romos dedeed right-of-way.

Sincerely,

Cena Marino

Tim Clohesey



Lou/Laura Ludikin

LUTTICKEN



Brenda Burger

Fletcher Law Offices

Frederic Fletcher, Esq.
417 2nd Street, Suite 204
Eureka, CA 95501

California, Oregon and Washington

Sent Certified Receipt

Cina D. Marino
1848 Circle Dr.
Eureka, Ca 95503

RE: Drainage Easement

November 18, 2019

Dear Ms. Marino,

I represent Niels Holgersen who is offering to purchase a drainage easement situated on your parcel located at 1848 Circle Dr. Eureka, Ca 95503. The proposed drainage easement measures 5 feet wide by 75 feet long and encompasses 375 square feet along the east section of your parcel. The value of the drainage easement has been appraised at \$4,926. Enclosed you will find the appraisal as well as the plan detailing the drainage easement.

Mr. Holgersen wishes to offer to purchase the drainage easement from you for the amount of \$5,000. If your fence is damaged during the installation of the drainage easement the fence will be restored to its original condition or better. If you wish to enter into this arrangement please get back to me within 10-days.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Frederic Fletcher, Esq.

Rec'd 11/19/19

Email: fletcher@lawca.us

Phone: (707) 502-2642

called Mr Fletcher.
Said no action needed
Holgersen will need to do
another "something" on
his property -

cc: Niels Holgersen

Rec'd 11-19-19

David M. Tidwell - CSCREA #AG016742
PO Box 4163, Arcata CA 95518
Office (707) 822.9702 Cell (707) 407-5958

October 11, 2019

Mr. Niels Holgersen
holgersenconst@gmail.com
3409 Edgewood Road
Eureka, CA 95501

RE: 1848 Circle Drive Drainage Easement

Attn. Mr. Holgersen:

As requested, the appraisal report has been completed for the proposed drainage easement involving 1848 Circle Drive located in Eureka (Assessor Parcel #015-151-024-000) which is owned by Cena Marino. The appraisal report is attached and the following is a summary of the appraisal findings.

This is an appraisal for the proposed drainage easement that runs along the east side of the parcel located at 1848 Circle Drive, Eureka and within the jurisdiction of the County of Humboldt. The proposed drainage easement measured 5 feet wide by 75 feet long and encompasses 375 square feet along the east section of the site. The purpose of this report is to establish a fair market value for the proposed drainage easement for a potential sale.

In order to complete the assignment, the appraiser is operating under the hypothetical condition that the subject site is unimproved as the proposed drainage easement does not impact on the existing structural improvement.

Reconciliation of Site Value

In order to estimate the overall site value, comparable site sales were reviewed. The comparable sales range from \$85,000 to \$115,000 before adjustments with an active listing at \$110,000 respectively. The adjusted sales price range is between \$86,000 and \$110,000 with an active listing at \$108,000 respectively. Most weight is given to Comparable Sales #1 through #3. The estimate of fair market value of the subject site as unimproved can be supported and is reconciled at \$100,000 or approximately \$13.14 per square foot with most weight placed on the Sales Comparison Analysis.

Reconciliation of Drainage Easement Site

The estimated value of the proposed drainage site is calculated as follows:

(Estimated Fair Market Value Unimproved Land (/) Divided total Site Size) (x) multiplied by Square Footage of Proposed Drainage Easement = Value of Proposed Drainage Site.

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$(\$100,000/7,612 \text{ sf}) \times 375 \text{ sf} = \$4,926$

The estimated fair market value of the proposed drainage easement site is \$4,926.

Reconciliation of Drainage Easement

Drainage easements are common within Humboldt County and many developers establish drainage easements prior to developing subdivisions and subsurface drainage easements do not tend have significant impact on property values.

The proposed permanent drainage easement is considered to be a partial acquisition with respect to the Residual Rights of the property owner; the residual is the rights the property owner retains in the easement area after the imposition of the easement. They are the ownership rights not transferred to the easement holder. In this case, the property owner will give up some but not all rights of use to the area being acquired and thus the acquisition is considered to be some percentage of Fee Simple. The Residual Rights to be maintained would typically relate to the area within the easement being considered under legal terms as part of the remainder parcel for development purposes such as minimum parcel size requirements. Otherwise, the remainder parcel lacks some restricted rights to use with respect to the Bundle of Rights in the permanent drainage easement. The rights retained by the fee owner after the acquisition will be one of reversion and limited use with respect to landscaping. Therefore, the permanent drainage easement acquisition area is valued at fee simple value minus a dollar (\$1.00).

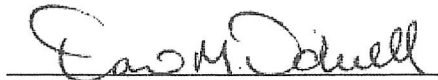
The calculation for the easement valuation is as follows:

The estimated fair market value of the drainage easement is \$4,926 (less \$1) = \$4,925.

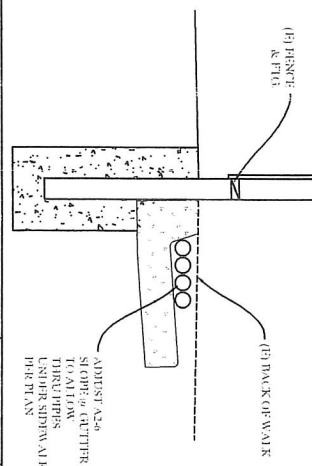
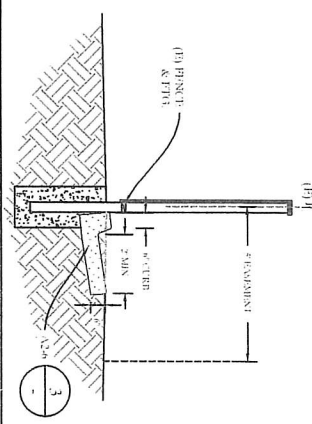
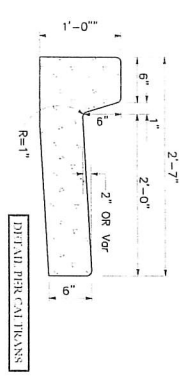
Total Just Compensation of Area in Proposed Drainage Easement: \$4,925.

If you should have any questions, please contact my office.

Thank You:



David M. Tidwell
#AG016742



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| A2-6 CURB & GUTTER | N.T.S. | 3 | OVERFLOW DRAINAGE EASEMENT | N.T.S. | 4 | CURB OUTLETS | N.T.S. | 5 |
|--------------------|--------|---|----------------------------|--------|---|--------------|--------|---|

