



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

**STAFF REPORT**

**TO:** Board of Supervisors

**FROM:** Robert Massarelli, Community Development Director  
Kathy Freeman, Code Enforcement Program Supervisor *KF*

**Prepared By:** Michael Penhall, Code Enforcement Officer *MP*

**SUBJECT:** Notice of Assessment & Lien Hearing for *Virginia Hearn*;  
**October 17, 2017 @ 9:40 AM**  
Supervisorial District 3

**Date:** September 28, 2017

- ATTACHMENTS:**
1. Notice of Nuisance and Order to Abate
  2. Notice of Assessment
  3. Proposed Notice of Lien
  4. Contractor's Invoice
  5. Task Sheet

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**I. PROPERTY OUTLINE:**

Property Owner: Virginia Hearn  
Location: 5980 State Hwy 20, Lucerne CA  
APN: 034-061-03  
Zoning: "CH", Highway Commercial District  
Case #: 16-0070

**II. ABATEMENT SUMMARY**

On *May 18, 2016*, a Notice of Nuisance and Order to Abate was prepared and posted at *5980 State Highway 20, Lucerne CA*, within the *Clear Lake Beach* Subdivision, and mailed, certified to the property owner of record due to substandard structure, weeds and overgrown brush. Several complaints had been filed by area residents. The Abatement Notice provided Ms.Hearn with 30 days to abate the property.

On *November 18, 2016*, staff from Code Enforcement solicited and obtained bids for board up of the substandard structure, abatement of the weeds, removal of trash and debris dumped on the property. After several attempts to work with the property owner and

with a possible buyer of the property, on *August 31, 2017* a local contractor was awarded the contract. On *September 26, 2017* a follow up site visit was conducted confirming the contractor had completed the work.

**III. RECOMMENDATION:**

Staff recommends the Board of Supervisors confirm the assessment of **\$3,264.77** and direct staff to Record a Notice of Lien against the property. The cost of abatement services was **\$2,950.00**. The administrative costs on this case amounted to **\$314.77**.

**Sample Motion:**

I move that the assessment of **\$3,264.77** for nuisance abatement on property located at **5980 State Hwy 20, Lucerne, CA**, also known as Assessors Parcel Number **034-061-03**, and owned by **Virginia Hearn** be confirmed and the Enforcement Official be directed to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of **\$3,264.77** pursuant to Lake County Ordinance Code Chapter 13, Section 13-43.

# NOTICE OF NUISANCE AND ORDER TO ABATE

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

**A**    **CASE NUMBER:**    16-0070  
         **OWNER(S) NAME:** Virginia Bell Hearn  
         **SITE ADDRESS:**    5980 State Hwy 20, Lucerne, CA95458  
         **MAILING ADDRESS:** 1962 Elm St, Ukiah, CA 95482

**ASSESSORS PARCEL NUMBER:** 034-061-03

**B**    **CONDITION CAUSING NUISANCE:** The above referenced property was inspected by the Code Enforcement Officer and determined to have a substandard structure(s) in violation of the State of California Health and Safety Code section 17920.3. This property also has over grown weeds and brush resulting in violations of the Lake County Code. Specifically, your property is in violation of the following Sections of the Lake County Zoning Ordinance: 21- 2.4(a) and 2.6(a); 21-16; Chapter 5-14 Lake County Building Regulations; Section 116 of the 2013 California Building Code. These conditions constitute a public nuisance in accordance with Chapter 13, Section 3.3(e) and Chapter 13, Section 13-11 of the Lake County Code.

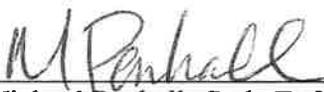
**C**    **ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS ( 05/18/16 ) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:**

- 1) Obtain a building permit within thirty (30) days of the date of this notice to either repair, rehabilitate, remove or demolish the above referenced dwelling in compliance with the California Health and Safety Code section 17920.3 and the 2013 California Residential Code section 105.1.
- 2) Remove the weeds and overgrown brush within thirty (30) days of this notice, by weed eating, trimming & pruning as to eliminate the fire danger.

**D YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE SUBMITTED ON OR BEFORE 06/08/16 . IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.**

**E IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:**

- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. 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 AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.**
- 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.**
- 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).**



Michael Penhall, Code Enforcement Officer  
COMMUNITY DEVELOPMENT DEPARTMENT  
STATE OF CALIFORNIA  
COUNTY OF LAKE

DATED: May 18, 2016

# NOTICE OF ASSESSMENT

Notice is hereby given that the Lake County Board of Supervisors will hear and consider objections and protests to a proposed assessment to be levied to recover the cost of abating a nuisance on property owned by **Virginia Hearn**. The property is located at **5980 State Hwy 20, Lucerne, CA**, being Assessor's Parcel Number **034-061-03**. The property is further described in Document Number **2016002695** filed in the County Recorder of said Lake County on **March 2, 2017**.

Notice is hereby given that abatement included removal of trash and debris, trim/cut weeds and brush, board up of the substandard structure on this property.

FEES:	Administrative	\$314.77
	Abatement contract	\$2,950.00

TOTAL ASSESSMENT	<hr/>	\$3,264.77
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The Enforcement Official will submit the account to the Board of Supervisors for confirmation on **October 17, 2017 at 9:40 AM**, in the Board of Supervisors Chambers, Lake County 255 North Forbes Street, Lakeport, at which time and place the Board of Supervisors will hear and consider objections and protests to said account and proposed assessment.



Robert Massarelli,  
Community Development Director  
Community Development Department  
County of Lake

9/28/17

Date:

Cert. Mail # \_\_\_\_\_

AFTER RECORDING  
Please Return To:  
Lake County Community  
Development Department  
255 North Forbes Street  
Lakeport, Ca. 95453

*No fee Document- per Government code 27383*

NOTICE AND CLAIM OF LIEN FOR  
COSTS OF NUISANCE ABATEMENT

NOTICE IS HEREBY GIVEN that the County of Lake claims a lien for nuisance abatement costs pursuant to County Ordinance Code Chapter 13 of **\$3,264.77** against the real property situated in the County of Lake, California, commonly known as Assessor's Parcel Number **034-061-030-000** located at **5980 State Hwy 20, Lucerne, California** and more particularly described in Document #2016002695 of the County Recorder.

NOTICE IS HEREBY FURTHER GIVEN that a hearing pursuant to Lake County Ordinance Code, Chapter 13, Section 13-42 was held by the Lake County Board of Supervisors on the **17<sup>th</sup> day of October, 2017 at 9:40 AM** wherein the Board of Supervisors issued an order confirming the assessment of **\$3,264.77** (Case # 16-0070).

The last known property owner, **Virginia Hearn**, has been given notice of this lien as required by law.

WHEREFORE, the County of Lake claims a lien of **\$3,264.77** on the afore described property plus interest and other costs which may hereafter become due.

Dated:

I declare under penalty of perjury that the contents of this instrument are true and correct.

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Michael Penhall  
Code Enforcement Officer  
Community Development Department  
STATE OF CALIFORNIA  
COUNTY OF LAKE

**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.**

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Michael Penhall who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person 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: \_\_\_\_\_

Pioneer Constructors Inc dba Pioneer Builders  
PO BOX 177  
LAKEPORT, CA 95453-0177 US  
pioneer.builders@sbcglobal.net

# Invoice



BILL TO  
COUNTY OF LAKE

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
5505	09/18/2017	\$2,950.00	09/18/2017	Due on receipt	

Please detach top portion and return with your payment.

**JOB**  
HWY 20/1ST ST.

ACTIVITY	QTY	RATE	AMOUNT
<b>PROGRESS</b> CLEAN ALL DEBRIS, BOARD UP HOUSE, INSTALL FENCING	1	2,950.00	2,950.00
		<b>BALANCE DUE</b>	<b>\$2,950.00</b>

Nuisance Abatement  
CE case # 16-0070 (18)

**COUNTY OF LAKE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**CODE ENFORCEMENT DIVISION**  
**5980 State Hwy 20, Lucerne CA. Abatement Case #16-0070**  
**APN #034-061-03**

**TASK SHEET**

INIT	DATE	TASK	TIME	RATE	EXT	SUBTOTAL CUMULATIVE
Mp	05/18/2016	Initial Investigation/Prepare,Post NONOTA	1.00	\$36.25	\$36.25	\$36.25
Kf	11/17/2016	follow up Investigation	1.00	\$41.11	\$41.11	\$77.36
Jd	11/18/2016	prepare/send 10 day letter/req quotes	0.50	\$30.45	\$15.23	\$92.59
Mp/Kf	05/04/2017	follow up site visit	1.00	\$77.36	\$77.36	\$169.95
Mp	08/09/2017	Review bids/award- prepare contract	1.50	\$36.25	\$54.38	\$224.33
		Clerical Support	1.00	\$30.45	\$30.45	\$254.78
Mp	09/27/2017	Prepare Staff Report & attachments	1.00	\$36.25	\$36.25	\$291.03
		Certified Mail		\$6.74	\$6.74	\$297.77
		Recordation fee(s)-Lien; 2 pages		\$17.00	\$17.00	\$314.77
		<b>Sub Total Administrative Amount</b>				<b>\$314.77</b>
		<b>Contractor Invoice</b>				<b>\$2,950.00</b>
		<b>TOTAL</b>				<b>\$3,264.77</b>