



## 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   
**By:** Michael Penhall, Code Enforcement Officer 

**SUBJECT:** Notice of Assessment & Lien Hearing for *John Danuck*;  
**January 10, 2017 @ 9:30 AM**  
Supervisory District 3

**Date:** December 7, 2016

**ATTACHMENTS:**

1. Notice of Nuisance and Order to Abate
2. Notice of Assessment
3. Proposed Notice of Lien
4. Contractor's Invoices
5. Task Sheet

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#### I. PROPERTY OUTLINE:

Property Owner: *John Danuck*  
Location: *12545 Lakeview Drive, Clearlake Oaks CA*  
APN: *035-152-65*  
Zoning: "R1", Single-Family Residential District  
Case #: 16-0025

#### II. ABATEMENT SUMMARY

On **February 19, 2016**, a Notice of Nuisance and Order to Abate was posted at **12545 Lakeview Dr, Clearlake Oaks CA**, within the **Clearlake Oaks Subdivision 1** and mailed, certified to the property owner of record due to an occupied travel trailer, open and outdoor storage of household garbage, trash and debris. Several complaints had been filed by area residents. The Abatement Notice provided **Mr. Danuck** with 30 days to abate the property.

A follow up site visit was conducted in **April 2016** and it was observed that the violations still existed. In **May 2016** staff from Code Enforcement solicited and obtained bids for abatement of all the open and outdoor storage on the property. Due to the location and

difficulty of removing the apparent occupied travel trailer, permission to cross the property located to the north of the subject property was sought and obtained.

On *November 21, 2016* a local contractor was awarded the contract and started work soon after. On *December 2, 2016* 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 ***\$10,453.74*** and direct staff to Record a Notice of Lien against the property. The total cost of abatement services was ***\$10,000.00***. The administrative costs on this case amounted to ***\$453.74***.

#### **Sample Motion:**

I move that the assessment of ***\$10,453.74*** for nuisance abatement on property located at ***12545 Lakeview Dr, Clearlake Oaks CA***, also known as Assessors Parcel Number ***035-152-65***, and owned by ***John Danuck*** 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 ***\$10,453.74*** pursuant to Lake County Ordinance Code Chapter 13, Section 13-43.

# NOTICE OF NUISANCE & ORDER TO ABATE

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

A. CASE NUMBER: 16-0025 ASSESSORS PARCEL NUMBER: 035-152-65  
OWNER(S) NAME: DANUCK, JOHN J  
SITE ADDRESS: 12545 LAKEVIEW DR CLEARLAKE OAKS, CA  
MAILING ADDRESS: PO BOX 92 CLEARLAKE OAKS, CA 95623

B. CONDITION(S) CAUSING NUISANCE:

- ☒ Open and outdoor storage of junk, and/or household garbage in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance.
- ☒ Failure to properly dispose of trash in accordance with Chapter 13, Section 13-11 of the Lake County Code.
- ☒ Failure to remove or maintain weeds in accordance with Chapter 13, Section 13-10 of the Lake County Code.
- ☐ Open and outdoor storage of inoperable vehicles in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance.
- ☐ Storage of boat or recreational vehicle in road right-of-way in violation of 21-68.4(a)6 of the Lake County Zoning Ordinance.
- ☒ Substandard dwelling in violation of Section 17920.3 of the California Health and Safety Code. - OCCUPIED TRAVEL TRAILER
- ☐ Unpermitted construction of \_\_\_\_\_ in violation of Section 105.1 of the 2013 California Building Code.

On 2/19 2016 your property was found by Enforcement Officials to contain the above specified violation(s) of the Lake County Code and/or California Building Code. This constitutes a public nuisance in accordance with Chapter 13, Section 3.1(e) of the Lake County Code (Uniform Abatement of Public Nuisances Code).

C. ORDER IS GIVEN TO COMPLETE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS (3/21/16) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE. PLEASE IMMEDIATELY CONTACT THE LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AT 707-263-2309 FOR FURTHER INFORMATION AND TO DISCUSS ANY POTENTIAL PERMIT OPTIONS TO ADDRESS THESE NUISANCE CONDITIONS.

M. Finkel #10125  
COMMUNITY DEVELOPMENT DEPARTMENT  
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 2/19/16

SEE REVERSE SIDE

- D. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, SECTION 13-7, 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 FILED WITHIN 21 DAYS OF SERVICE OF THE NOTICE OF NUISANCE AND ORDER TO ABATE. 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. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, 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).



# 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 **John Danuck**. The property is located at **12545 Lakeview Drive Clearlake Oaks Ca**, being Assessor's Parcel Number **035-152-65**. The property is further described in Document Number **00-011608** filed in the County Recorder of said Lake County on **July 19, 2000**,

Notice is hereby given that abatement included the removal of open and outdoor storage of household garbage, trash and debris and a previously occupied 5<sup>th</sup> wheel trailer from this property.

FEES:	Administrative	<b>\$453.74</b>
	Abatement contract	<b>\$8,500.00</b>
	Abatement of travel trailer	<b>\$1,500.00</b>

TOTAL ASSESSMENT	<b>\$10,453.74</b>
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The Enforcement Official will submit the account to the Board of Supervisors for confirmation on **January 10, 2017 at 9:30 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

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 ***\$10,453.74*** against the real property situated in the County of Lake, California, commonly known as Assessor's Parcel Number ***035-152-65-000*** located at ***12545 Lakeview Drive, Clearlake Oaks, California*** and more particularly described in Document ***#00-011608*** 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 ***10<sup>th</sup> day of January, 2017 at 9:30 AM*** wherein the Board of Supervisors issued an order confirming the assessment of ***\$10,453.74*** (Case ***#16-0025***).

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

WHEREFORE, the County of Lake claims a lien of ***\$10,453.74*** 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: \_\_\_\_\_

Lakeport

# Jones Towing

Lucerne

P.O. Box 726, Lakeport

923 Parallel Drive, Lakeport, California 95453

["Upon request, you are entitled to receive a copy of the Towing Fees and Access Notice."]

Telephone 1-707-263-6960

Fax 1-707-263-1668

CA#289385

DATE: 11-30-16

Invoice # A0311

Bill To:

Lake County Code Enforcement

Customer

Address

City

State

Zip

Phone

Insurance Co.

Policy #

Phone #

Legal Owner

Phone #

Year

Make

Model

Color

License

Odometer

Unit#

1990

Skylark

5th wheel

white

1B102827

VIN# 111S1Y1310101J12161L1B101011141612

Type of service requested: Tow

Location of vehicle: 12545 Lakeview, Clearlake Oaks

Destination of tow: Storage

Flatbed AB Wheel Lift

(2.5)

Minimum Service Charge = \$ 1,500.00

1<sup>st</sup> Driver Start 8:50AM Arrival Depart End 11:20A @ \$ 320.00 per Hour = \$

2<sup>nd</sup> Driver Start Arrival Depart End @ \$ per Hour = \$

Storage: Start End # of Days @ \$ 100.00 per Day = \$

Storage: Start End # of Days @ \$ per Day = \$

Date and Time of Release Gate Opening Fee = \$

Lien Fee = \$

= \$

= \$

*ORIGINAL*

*CH 16-0005*

## COPY

Reference #: \_\_\_\_\_

TOTAL \$ 1,500.00

C/C# \_\_\_\_\_

Expires: \_\_\_\_\_ Security # \_\_\_\_\_ Address: \_\_\_\_\_ ZIP: \_\_\_\_\_ Auth. # \_\_\_\_\_

YOU MUST READ BOTH SIDES OF THIS AGREEMENT BEFORE SIGNING. Your signature below indicates that you agree to all terms and conditions of this agreement. Customer is hereby notified that said property/vehicle is not insured or protected against loss or damage by theft, fire or vandalism while the property/vehicle remains with Jones Towing.

CUSTOMER SIGNATURE LCCE

Received by: \_\_\_\_\_



Pioneer Constructors Inc.  
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
5438	12/01/2016	\$8,500.00	12/01/2016	Due on receipt	

Please detach top portion and return with your payment.

JOB  
CLEARLAKE OAKS

ACTIVITY	QTY	RATE	AMOUNT
Services	1	8,500.00	8,500.00
CLEANUP- 12545 LAKEVIEW DR. CLEARLAKE OAKS			
BALANCE DUE			\$8,500.00

Job completed 12/2/16  
CE CR #16-0025  


COPY

		COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT  12545 Lakeview Drive, Clearlake Oaks CA. Abatement; Case #16-0025 APN #035-152-65				
TASK SHEET						
INIT	DATE	TASK	TIME	RATE	EXT	SUBTOTAL CUMULATIVE
kf/mp	02/19/2016	Initial Investigation/Post NONOTA	1.00	\$77.36	\$77.36	\$77.36
mp	11/21/2016	Follow up Investigation	1.00	\$36.25	\$36.25	\$113.61
mp		Bid Prep, award of contract	1.00	\$36.25	\$36.25	\$149.86
mp	11/22/2016	Warrant preparation	1.00	\$36.25	\$36.25	\$186.11
mp/jv	11/28/2016	Warrant - 24 HR posting	1.00	\$77.76	\$77.76	\$263.87
mp	11/29/2016	Serve Warrant/Abatement-Standby	3.00	\$36.25	\$108.75	\$372.62
jd		Clerical Support	1.00	\$30.45	\$30.45	\$403.07
mp	12/06/2016	Prepare Staff Report & attachments	1.00	\$30.45	\$30.45	\$433.52
		Certified Mail	3.00		\$6.74	\$20.22
		Sub Total Administrative Amount				\$453.74
		Contractor Invoices				
		Pioneer Constructors				\$8,500.00
		Jones Towing				\$1,500.00
		TOTAL				\$10,453.74