



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 *Wienke, Darryl*;
September 19, 2017 @ 9:30 AM
Supervisory District 3

Date: August 23, 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

I. PROPERTY OUTLINE:

Property Owner: Darryl Wienke
Location: 12542 Oak Street, Clearlake Oaks CA
APN: 035-152-41
Zoning: "R2", Two-Family Residential District
Case #: 16-0224

II. ABATEMENT SUMMARY

On **December 12, 2016**, a Notice of Nuisance and Order to Abate was prepared and then posted on the property at: **12542 Oak Street, Clearlake CA**, within the **Clearlake Oaks Subdivision 1** and then mailed certified to the property owner of record due to violations of Lake County Code which included a Substandard dwelling, open and outdoor storage of junk, trash and debris, weeds and inoperable vehicles. Several complaints had been filed by area residents. The Abatement Notice provided Mr. Wienke with 30 days; **January 12, 2017** to abate the property in which he failed to comply.

On **April 7, 2017** staff from Code Enforcement solicited and obtained bids for abatement of the household garbage, trash, debris and weeds on the property. On **June 14th, 2017** a

local contractor was awarded the contract and started work soon after. 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 **\$4,757.42** and direct staff to Record a Notice of Lien against the property. The cost of abatement services was **\$4,500.00**. The administrative costs on this case amounted to **\$257.42**.

Sample Motion:

I move that the assessment of **\$4,757.42** for nuisance abatement on property located at **12542 Oak Street Clearlake Oaks CA**, also known as Assessors Parcel Number **035-152-41**, and owned by **Darryl Wienke** 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 **\$4,757.42** 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. ^{TBD} CASE NUMBER: 16-0224 ASSESSORS PARCEL NUMBER: 035-152-41
OWNER(S) NAME: WIENKE, DARRYL
SITE ADDRESS: 12542 OAK ST CLEARLAKE DAKS, CA
MAILING ADDRESS: PO BOX 320622 SAN FRANCISCO, CA 94132

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.
- ☐ Unpermitted construction of _____ in violation of Section 105.1 of the 2013 California Building Code.

On 12/12 2014 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 (1/12/15) 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.

U. Penhall #10125
COMMUNITY DEVELOPMENT DEPARTMENT
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 12/12/14

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 **Darryl Wienke**. The property is located at **12542 Oak Street Clearlake Oaks**, being Assessor's Parcel Number **035-152-41**. The property is further described in Document Number **2005025440** filed in the County Recorder of said Lake County on **August 26, 2005**.

Notice is hereby given that abatement included the removal of open and outdoor storage of household garbage, junk, trash and debris from this property.

FEES:	Administrative	\$257.72
	Abatement contract	\$4,500.00

TOTAL ASSESSMENT	\$4,757.42
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The Enforcement Official will submit the account to the Board of Supervisors for confirmation on **September 19, 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: **August 29, 2017**

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 **\$4,757.42** against the real property situated in the County of Lake, California, commonly known as Assessor's Parcel Number **035-152-410-000** located at **12542 Oak Street Clearlake Oaks, California** and more particularly described in Document # **2005025440** 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 **19th day of September, 2017 at 9:30 AM** wherein the Board of Supervisors issued an order confirming the assessment of **\$4,757.72** (Case # 16-0224).

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

WHEREFORE, the County of Lake claims a lien of **\$4,757.72** 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.

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
5490	06/28/2017	\$4,500.00	06/28/2017	Due on receipt	
Please detach top portion and return with your payment.					
JOB					
12542 OAK ST. CLEARLAKE OAKS					
ACTIVITY			QTY	RATE	AMOUNT
PROGRESS			1	4,500.00	4,500.00
CLEAN UP ALL INTERIOR AND EXTERIOR DEBRIS, CUT TALL GRASS AND WEEDS					
BALANCE DUE					\$4,500.00

		COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT CODE ENFORCEMENT DIVISION 12542 Oak Street, Clearlake Oaks CA. Abatement Case #16-0224 APN #035-152-41				
TASK SHEET						
INIT	DATE	TASK	TIME	RATE	EXT	SUBTOTAL CUMULATIVE
mp	12/12/2016	Initial Investigation/Prepare,Post NONOTA	1.00	\$36.25	\$36.25	\$36.25
mp	02/17/2017	follow up Investigation	1.00	\$36.25	\$36.25	\$72.50
mp	04/07/2017	prepare/send 10 day letter	0.50	\$36.25	\$18.13	\$90.63
mp	04/07/2017	Prepare/Request Bids	0.50	\$36.25	\$18.13	\$108.76
jd	05/23/2017	Prepare contract	0.50	\$30.45	\$15.23	\$123.99
		abatement, Site Visit	1.00	\$36.25	\$36.25	\$160.24
jd		Clerical Support	1.00	\$ 30.45	\$30.45	\$190.69
mp	07/07/2017	Prepare Staff Report & attachments	1.00	\$ 36.25	36.25	\$226.94
		Certified Mail	2.00	\$6.74	13.48	\$240.42
		Recordation fee(s)-Lien; 2 pages		\$17.00	\$17.00	\$257.42
		Sub Total Administrative Amount				\$257.72
		Contractor Invoice				\$4,500.00
		TOTAL				\$4,757.42