

CITY OF MODESTO, CALIFORNIA

Community and Economic Development Department
Building Safety Division
P.O. Box 642
1010 Tenth Street, Suite 3100
Modesto, California 95353



Telephone: (209) 577-5232
Facsimile: (209) 571-5135
TDD: (209) 526-9211

NOTICE OF PASSAGE OF RESOLUTION

JANUARY 7, 2014

**TO: JAGIT S. SANDHU
1305 CHARDONNAY COURT
MODESTO, CA 95351**

**IRMA CEUNIS AND SIMONE WYNANT FOUNDATION
P.O. BOX 8390
WOODLAND, CA 95776**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE UNSAFE AND UNLAWFUL CONDITIONS CAUSED BY THE USE
OF TWO (2) CAMPER TRAILERS AS HABITABLE LIVING SPACE
AND THE LACK OF A HEATING SOURCE IN UNIT B OF A DUPLEX
THE PROPERTY KNOWN AS 802 EMPIRE AVENUE, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NOS. COD2013-50072 AND NPU2013-00347**

PLEASE TAKE NOTICE that on December 18, 2013, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 802 Empire Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2013-17, a true and correct copy of which is attached to this Notice.

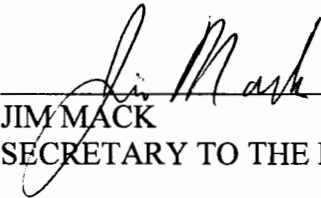
**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2013-17, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE
AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND
DIRECTED TO ABATE SUCH NUISANCE BY THE EVICTION OF THE
TENANTS OF THE TWO (2) TRAVEL TRAILERS, HIRE THE SERVICES OF A
LICENSED MECHANICAL CONTRACTOR TO MAKE THE REQUIRED**

REPAIRS TO THE CURRENT NON-WORKING FURNACE, AND OBTAIN FINAL APPROVAL FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO. IF THE FURNACE REQUIRES REPLACEMENT, OBTAIN THE REQUIRED MECHANICAL PERMIT FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO AND OBTAIN FINAL APPROVAL WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, EVICTION OF THE TENANTS OF THE TWO (2) TRAVEL TRAILERS AND OR REPAIRS/REPLACEMENT OF THE NON-WORKING FURNACE BY THE CITY OF MODESTO AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the notice of passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

Dated: January 7, 2014



JIM MACK
SECRETARY TO THE BOARD

JM:cp
Attachment

cc: JAGIT S. SANDHU
1305 CHARDONNAY COURT
MODESTO, CA 95351

IRMA CEUNIS AND SIMONE WYNANT FOUNDATION
P.O. BOX 8390
WOODLAND, CA 95776

City Attorney
Jim Mack, Acting Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2013-17

A RESOLUTION DECLARING THE BUILDING LOCATED AT 802 EMPIRE AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Jagit S. Sandhu has title to and is the recorded owner of property located at 802 Empire Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises;" and

WHEREAS, the premises at 802 Empire Avenue consists of the unsafe and unlawful conditions caused by the use of two (2) camper trailers as habitable living space and the lack of a heating source in unit B of a duplex; and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Building Maintenance Code of the City of Modesto to enforce all provisions of the Code including authority to inspect any building or structure and order that any such building or structure determined under the Building Maintenance Code to be Unsafe and Unfit for Human Occupancy be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe structures and the removal of the junk, trash, debris and weeds on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on February 15, 2013, March 25, 2013, May 13, 2013, and June 5, 2013; and

WHEREAS, a Notice and Order dated October 23, 2013, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and

1. Complete the eviction of the tenants from the two (2) travel trailers no later than January 2, 2014; and
2. Remove the two (2) travel trailers from the property within ten (10) calendar days of the eviction of the current tenants but no later than January 13, 2014; and
3. Hire the services of a licensed mechanical contractor to make the required repairs to the current non-working furnace and obtain final approval from the Building Safety Division of the City of Modesto within thirty (30) calendar days of the date of this Notice and Order; and
4. If the furnace requires replacement, you shall obtain a mechanical permit from the Building Safety Division of the City of Modesto for the new furnace and obtain final approval for its installation within thirty (30) calendar days of the date of the Notice and Order; and

WHEREAS, said Notice and Order dated October 23, 2013, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on October 23, 2013, said Notice and Order of October 23, 2013, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, pursuant to Article 12 of the Building Maintenance Code of the City of Modesto; and

WHEREAS, on October 23, 2013, said Notice and Order of October 23, 2013, was posted on the premises; and

WHEREAS, the owner(s) of said premises have failed to complete work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of the Building Maintenance Code of the City of Modesto; and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance; and

WHEREAS, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 66, thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building unless the nuisance is abated by the owner or the person interested within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals as provided in Article 12 of the Building Maintenance Code. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the premises or have the same done under its direction and supervision; and

WHEREAS, on December 6, 2013, a "Notice of Hearing" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and posted on the property, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Sections 58 and 60; and

WHEREAS, said "Notice of Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on December 18, 2013, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 802 Empire Avenue; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance and to consider other appropriate action to abate such nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

1. That the premises commonly referred to as 802 Empire Avenue, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. Begin the eviction of the tenants from the two (2) travel trailers within ten (10) calendar days of the date of this Notice and Order; and

3. Complete the eviction of the tenants from the two (2) travel trailers no later than January 2, 2014; and
4. Remove the two (2) travel trailers from the property within ten (10) calendar days of the eviction of the current tenants but no later than January 13, 2014; and
5. Hire the services of a licensed mechanical contractor to make the required repairs to the current non-working furnace and obtain final approval from the Building Safety Division of the City of Modesto within thirty (30) calendar days of the date of this Notice and Order; and
6. If the furnace requires replacement, you shall obtain a mechanical permit from the Building Safety Division of the City of Modesto for the new furnace and obtain final approval for its installation within thirty (30) calendar days of the date of this Notice and Order.

BE IT FURTHER RESOLVED:

1. Thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or other person within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.
2. In the event that the City of Modesto razes and removes the buildings so declared to constitute a nuisance or have the same done under its direction and supervision, the City of Modesto shall keep an itemized account of the expense involved in the razing or removing of any such buildings and shall deduct therefrom the amount received from the sale of any building materials pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68. The City of Modesto may proceed to recover its expenses in the razing or removing of any such buildings pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68 and Section 70.

BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a notice of the passage of this Resolution No. 2013-17, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2013-17, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll, and (2) to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the

manner provided for in California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 58.

The foregoing matter was introduced at a special appeal meeting of the Board of Building Appeals of the City of Modesto held on the 18th day of December 2013, by Board Member, Rick Reid who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Reid, Yoshino, and Ragsdale
Noes:	None
Absent:	None

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO.



TIM RAGSDALE
BOARD OF BUILDING APPEALS

1 **PROOF OF SERVICE - CCP §1013(a)(3)**

2
3 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen
4 years and not a party to the within entitled cause; my business address is: 1010 10th Street, Modesto,
California 95354.

5 On January 7, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 802 Empire Ave, Modesto, California; Assessor's Parcel No: 035-049-024; on all parties in said
7 action by serving a true copy thereof as follows:

8 JAGIT S. SANDHU
9 1305 CHARDONNAY COURT
MODESTO, CA 95351

10 IRMA CEUNIS AND SIMONE WYNANT FOUNDATION
11 P.O. BOX 8390
12 WOODLAND, CA 95776

13 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to
14 be placed in the United States Mail at Modesto, California. I am readily familiar with
15 the office's practice for collection and processing of correspondence for mailing, and
16 pursuant to those practices the envelope would be deposited with the United States
Postal Service the same day.

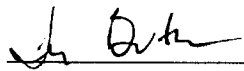
17 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
18 fully prepaid to be placed in the United States Mail at Modesto, California. I am
19 readily familiar with the office's practice for collection and processing of
correspondence for mailing, and pursuant to those practices the envelope would be
20 deposited with the United States Postal Service the same day.

21 **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to
the parties herein at the addresses set forth above.

22 **BY FACSIMILE:** I sent such document by way of facsimile to the offices of the
23 addressee as indicated on the attached distribution list.

24 **BY POSTING:** I posted such document on the front door/doors of the
25 structure/structures of the address as indicated above.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this 7th day of January, 2014, at Modesto, California.

27 
28 _____
TEE BUTLER
ADMINISTRATIVE OFFICE ASSISTANT II

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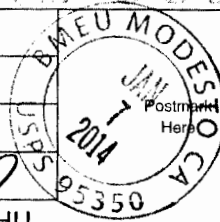
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