

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: RITA O. SILVA
1221 MAIN STREET
MODESTO, CA 95351**

**NORTH AMERICAN BAIL BOND SERVICES
40087 MISSION BOULEVARD SUITE 386
FREMONT, CA 94539**

**JOYCE A. RUDESILL
621 ENSLEN AVENUE
MODESTO, CA 95354**

**HOUSING AUTHORITY
C/O COUNTY OF STANISLAUS
P. O. BOX 581918
MODESTO, CA 95358**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE UNSAFE SINGLE-FAMILY DWELLING, SMALL
STRUCTURE/SHED AND (RV) RECREATIONAL VEHICLE PARKED
IN THE REAR YARD BEING USED AS HABITABLE LIVING SPACE
ON THE PROPERTY IDENTIFIED AS 1221 MAIN STREET, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. COD2013-50084**

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 1221 Main Street (hereinafter referred to

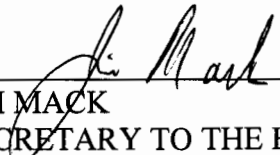
collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2013-15, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2013-15, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY DEMOLISHING THE UNSAFE SINGLE-FAMILY DWELLING, SMALL STRUCTURE/SHED AND REMOVING THE RECREATIONAL VEHICLE AND ALL JUNK, TRASH, DEBRIS, AND WEEDS ON THE PREMISES WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, THE STRUCTURES WILL BE DEMOLISHED, AND THE RECREATIONAL VEHICLE, JUNK, TRASH, DEBRIS, AND WEEDS WILL BE REMOVED 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 owner 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: RITA O. SILVA
1221 MAIN STREET
MODESTO, CA 95351

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MODESTO, CA 95358

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2013-15

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1221 MAIN STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Rita O. Silva has title to and is the recorded owner of property located at 1221 Main Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1221 Main Street consists of the unsafe single-family dwelling, small structure/shed and (RV) Recreational Vehicle parked in the rear yard being use as habitable living space; 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 Dangerous be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe and dangerous structure, small structure/shed and the removal of the recreational vehicle, 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 April 23, 2013 and July 2, 2013; and

WHEREAS, a Notice and Order dated September 30, 2013, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and obtain a permit for the demolition of the single-family dwelling, small structure/shed, and removal of the recreational vehicle within thirty (30) days, and said Notice and Order gave notice to complete the demolition of the single family dwelling, small structure/shed, and the removal of the recreational vehicle, all junk, trash, debris, and weeds on the property within thirty (30) days of the date of said Notice and Order; and

WHEREAS, said Notice and Order of September 30, 2013, gave notice that the premises were found to be Unsafe and a Public Nuisance; and

WHEREAS, on September 30, 2013, said Notice and Order of September 30, 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 September 30, 2013, said Notice and Order of September 30, 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 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 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, 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 1221 Main Street; 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. The owner, Rita O. Silva, is to provide an authorization letter, signed and dated by the owner, stating that her son, David Silva, may act on her behalf regarding the matter of building code enforcement for her property located at 1221 Main Street; and
2. The owner's son, David Silva, is to schedule a meeting with Building Inspection Program Coordinator Bert Lippert for the purpose of conducting a building inspection; and
3. A list is to be provided of what has been done and what needs to be done.
4. Report back to the Board of Building Appeals on January 23, 2014, with the status of your progress.

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 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. 2013-15, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2013-15, 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 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, CHAIRPERSON
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 1221 Main St, Modesto, California; Assessor's Parcel No: 038-038-017 ; on all parties in said action
by serving a true copy thereof as follows:

7 RITA O. SILVA
8 1221 MAIN STREET
MODESTO, CA 95351

9 NORTH AMERICAN BAIL BOND SERVICES
10 40087 MISSION BOULEVARD SUITE 386
FREMONT, CA 94539

11 JOYCE A. RUDESILL
12 621 ENSLEN AVENUE
MODESTO, CA 95354

13 HOUSING AUTHORITY
14 C/O COUNTY OF STANISLAUS
P. O. BOX 58198
MODESTO, CA 95358

15 X

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

19 X

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

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

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

27 
28 _____
TEE BUTLER
AMINISTRATIVE OFFICE ASSISTANT II

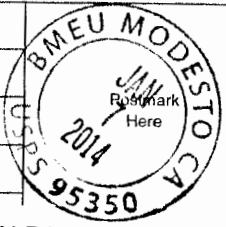
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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		6.77



Sent To: NORTH AMERICAN BAIL BOND SERV
40087 MISSION BLVD STE 386
FREMONT, CA 94539

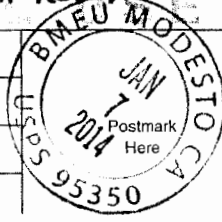
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Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		6.77



Sent To: RITA SILVA
1221 MAIN STREET
MODESTO, CA 95351

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Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		6.77



Sent To: HOUSING AUTHORITY
COUNTY OF STANISLAUS
P. O. BOX 581918
MODESTO, CA 95358

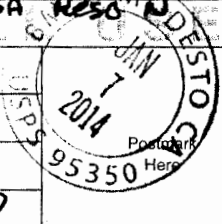
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MODESTO, CA 95354