

**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**

**JUNE 18, 2014**

**TO: JOE V. BELLO  
MACHELLE M. BELLO TRS  
BELLO 2004 TRUST  
1007 WEST BRADBURY ROAD  
TURLOCK, CA 95380**

**JOE V. BELLO  
MACHELLE M. BELLO TRS  
BELLO 2004 TRUST  
325 TRASK LANE  
MODESTO, CA 95354**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE LACK OF ELECTRICAL AND WATER SERVICE RESULTING IN  
UNSAFE CONDITIONS WHICH HAVE CAUSED THE OCCUPIED  
SINGLE-FAMILY DWELLING WITH ATTACHED GARAGE TO BE  
DEEMED AS UNFIT FOR OCCUPANCY LOCATED AT THE  
PROPERTY KNOWN AS 325 TRASK LANE, MODESTO, CALIFORNIA;  
CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2014-  
60004**

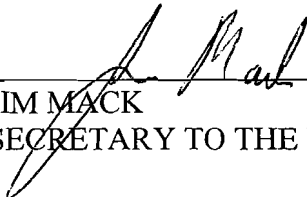
PLEASE TAKE NOTICE that on May 22, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 325 Trask Lane (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-03, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-03, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY CONTINUANCE WITH THE NOTICE AND ORDER AND THE PROPERTY OWNER IS TO MAINTAIN THE PROPERTY AS IT IS TODAY FOR THE NEXT TWELVE (12) MONTHS.

IF THE PROPERTY BECOMES A NUISANCE AND IS OUT OF COMPLIANCE ACCORDING TO THE NOTICE AND ORDER YOU ARE FURTHER NOTIFIED THAT, IF ANY WORK WHICH IS REQUIRED IN ORDER TO SATISFY THE ORDER HAS NOT BEEN COMPLETED WITHIN THE TIME SPECIFIED ABOVE, THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO MAY PROCEED TO CAUSE THE PROPERTY TO BE SECURED AND ALL VIOLATIONS ABATED BY CITY PERSONNEL OR A PRIVATE CONTRACTOR. WHEN THE ABATEMENT IS COMPLETED, A REPORT DESCRIBING THE WORK PERFORMED AND AN ITEMIZED ACCOUNT OF THE TOTAL ABATEMENT COSTS SHALL BE PREPARED BY THE BUILDING SAFETY DIVISION. THE BUILDING SAFETY DIVISION SHALL SCHEDULE A CONFIRMATION OF COSTS HEARING BEFORE AN ADMINISTRATIVE HEARING OFFICER OR THE BOARD OF BUILDING APPEALS UNLESS WAIVED IN WRITING BY ALL RESPONSIBLE PARTIES. ALL ADMINISTRATIVE AND ACTUAL COSTS INCURRED BY THE CITY IN ABATING THE VIOLATIONS MAY BE ASSESSED AND RECOVERED AGAINST THE RESPONSIBLE PARTY PURSUANT TO THE PROVISIONS SET FORTH IN SECTIONS 1-6.303 AND 1-6.701 OF THE MODESTO MUNICIPAL CODE.

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: June 18, 2014

  
\_\_\_\_\_  
JIM MACK  
SECRETARY TO THE BOARD

JM:cp  
Attachment

cc: JOE V. BELLO  
MACHELLE M. BELLO TRS  
BELLO 2004 TRUST  
1007 WEST BRADBURY ROAD  
TURLOCK, CA 95380

JOE V. BELLO  
MACHELLE M. BELLO TRS  
BELLO 2004 TRUST  
325 TRASK LANE  
MODESTO, CA 95354

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-03

A RESOLUTION DECLARING THE BUILDING LOCATED AT 325 TRASK LANE A PUBLIC NUISANCE AFFIRMING THE NOTICE AND ORDER WITH NO ADDITIONS AND DIRECTING THE OWNER(S) OF THE PROPERTY TO CONTINUE TO MAINTAIN THE PROPERTY FOR THE NEXT TWELVE (12) MONTHS.

WHEREAS, Joe V. Bello and Machel M. Bello Trus has title to and is the recorded owner of property located at 325 Trask Lane in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

Whereas, the premises at 325 Trask Lane consists of the occupied single-family dwelling with attached garage as unfit for occupancy.

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 January 7, 2014; and

WHEREAS, a Notice and Order dated February 7, 2014, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and Contact the Finance Department of the City of Modesto and restore water and garbage service to the property within thirty (30) calendar days of the date of this Notice and Order; and Contact the Modesto Irrigation District and restore electrical service to the property within thirty (30) calendar days of the date of this Notice and Order; and Contact PG&E and restore gas service to the property within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated February 7, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on February 7, 2014, said Notice and Order of February 7, 2014, 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 February 7, 2014, said Notice and Order of February 7, 2014, 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 May 12, 2014, a "Notice to Abate Nuisance" 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 to Abate Nuisance" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on May 22, 2014, 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 325 Trask Lane; 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 325 Trask Lane, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. That the owner(s) of said premises are hereby directed and ordered to maintain compliance with the Notice and Order dated February 7, 2014, with no addition to said Notice and Order and the owner of said premises is ordered to maintain the property as it is today for the next twelve (12) months.

BE IT FURTHER RESOLVED:

YOU ARE FURTHER NOTIFIED that, if any work which is required in order to satisfy this Order has not been completed within the time specified above, the Building Safety Division of the City of Modesto may proceed to cause the property to be secured and all violations abated by City personnel or a private contractor. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Building Safety Division. The Building Safety Division shall schedule a confirmation of costs hearing before an Administrative Hearing Officer or the Board of Building Appeals unless waived in writing by all responsible

parties. All administrative and actual costs incurred by the City in abating the violations may be assessed and recovered against the responsible party pursuant to the provisions set forth in Sections 1-6.303 and 1-6.701 of the Modesto Municipal Code.

**FAILURE TO COMPLY WITH NOTICE AND ORDER**

**1. Assessment of Penalties**

Failure to comply with this Notice and Order will result in the assessment of civil penalties. The penalty rate for the above-listed violations has been established at One Hundred Dollars (\$100.00) per day per violation and will be assessed immediately upon your failure to comply with any of the correction dates listed above, in accordance with Section 1-6.305 of the Modesto Municipal Code.

Civil penalty amounts are established here by the Building Safety Division/Chief Building Official. The following factors were used in determining the amount:

The duration of the violation, the seriousness of the violation, the history of the violation, lack of good faith effort to comply with the requests of the Building Safety Division, and the impact of this continuing violation upon the community, that is, the tenants located at the address in question.

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. 2014-03, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-03, 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 22nd day of May 2014, by Board Member Reid, who moved its adoption, which motion being duly seconded by Board Member Dalton, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Dalton, Ragsdale, Reid, Rodriguez
Noes:	None
Absent:	Yoshino

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

A handwritten signature in black ink, appearing to read "Tim Ragsdale", written in a cursive style. The signature is positioned above a horizontal line.

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TIM RAGSDALE  
BOARD OF BUILDING APPEALS

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

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

5 On June 18, 2014 I served a copy of the NOTICE OF PASSAGE OF RESOLUTION  
6 for 325 Trask Lane Modesto, California; Assessor's Parcel No. 033-036-058; on all parties in said  
7 action by serving a true copy thereof as follows:

8 JOE V. BELLO  
9 MACHELLE M. BELLO TRS  
10 BELLO 2004 TRUST  
11 1007 WEST BRADBURY ROAD  
12 TURLOCK, CA 95380

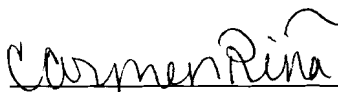
13 JOE V. BELLO  
14 MACHELLE M. BELLO TRS  
15 BELLO 2004 TRUST  
16 325 TRASK LANE  
17 MODESTO, CA 95354

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

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

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

I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct. Executed this 18th day of June 2014, at Modesto, California.

25 

26 Carmen Piña  
27 Administrative Office Assistant III  
28