

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department

Building Safety Division

P.O. Box 642

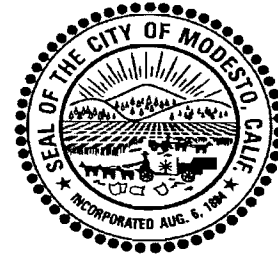
1010 Tenth Street, Suite 3100

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# **NOTICE OF PASSAGE OF RESOLUTION**

**JUNE 18, 2014**

**TO: MIRNA JOVEL  
AKA MYRNA A. JOVEL  
AKA MYRNA A. RAVELLA  
1809 CYNTHIA LANE  
MODESTO, CA 95351**

**WASHINGTON MUTUAL BANK  
1400 SOUTH DOUGLESS ROAD, SUITE 100  
ANAHEIM, CA 92806**

**MIRNA JOVEL  
1618 SULLIVAN AVENUE #326  
DALY CITY, CA 94015**

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

**RE: LACK OF ELECTRICAL AND UTILITY SERVICES RESULTING IN  
UNSAFE SANITARY 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 1809 CYNTHIA LANE, MODESTO,  
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE  
NO. COD2013-50257**

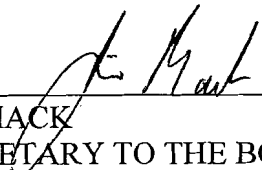
PLEASE TAKE NOTICE that on May 22, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 1809 Cynthia Lane (hereinafter referred to collectively as the "premises"). Following the public appeal hearing, the Board adopted Resolution No. 2014-05, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-05, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY CONTACTING THE FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESTORE WATER AND GARBAGE SERVICE, CONTACT THE MODESTO IRRIGATION DISTRICT AND RESTORE ELECTRICAL SERVICE, AND CONTACT PG&E AND RESTORE GAS SERVICE TO THE PROPERTY. THE TIME OF CONFORMANCE WITH NOTICE AND ORDER DATED FEBRUARY 4, 2014, HAS BEEN EXTENDED TO SIXTY (60) DAYS FROM THE DATE OF THE BOARD OF BUILDING APPEALS MEETING OF MAY 22, 2014.**

**IF THE NUISANCE IS NOT ABATED, AS INDICATED IN RESOLUTION NO. 2014-05, THE NUISANCE SHALL BE ABATED 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: June 18, 2014

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

JM:cp  
Attachment

cc: MIRNA JOVEL  
AKA MYRNA A. JOVEL  
AKA MYRNA A. RAVELLA  
1809 CYNTHIA LANE  
MODESTO, CA 95351

WASHINGTON MUTUAL BANK  
1400 SOUTH DOUGLESS ROAD, SUITE 100  
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MIRNA JOVEL  
1618 SULLIVAN AVENUE #326  
DALY CITY, CA 94015

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-05

A RESOLUTION DECLARING THE BUILDING LOCATED 1809 CYNTHIA LANE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE. THE TIME OF CONFORMANCE WITH THE NOTICE AND ORDER OF FEBRUARY 4, 2014, HAS BEEN EXTENDED TO SIXTY (60) DAYS FROM THE DATE OF THE BOARD OF BUILDING APPEALS MEETING OF MAY 22, 2014.

WHEREAS, MIRNA JOVELAKA MYRNA A. JOVELAKA MYRNA A. RAVELLA has title to and is the recorded owner of property located at 1809 Cynthia Lane in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises;" and

Whereas, the premises at 1809 Cynthia Lane consists of lack of electrical and utility services resulting in unsafe sanitary conditions which have caused the occupied single-family dwelling with attached garage to be deemed as unfit for occupancy; 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 4, 2014; and

WHEREAS, a Notice and Order dated February 4, 2014, was issued by the Acting Chief Building Official and ordered 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. 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. 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 4, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on February 4, 2014, said Notice and Order of February 4, 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 4, 2014, said Notice and Order of February 4, 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 1809 Cynthia 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 1809 Cynthia 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 abate the nuisance by contacting the Finance Department of the City of Modesto and restore water and garbage service to the property, contact the Modesto Irrigation District and restore electrical service to the property, contact PG&E and restore gas service to the property. The time of conformance with Notice and Order dated February 4, 2014, has been extended to sixty (60) days from the date of the Board of Building Appeals Meeting of May 22, 2014.
3. **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.

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. 2014-05, declaring a nuisance and directing abatement of the nuisance.

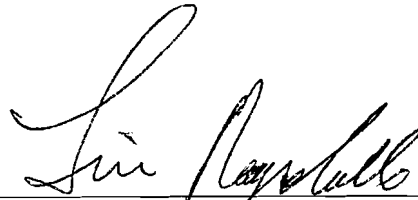
BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-05, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on

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 Ragsdale, who moved its adoption, which motion being duly seconded by Board Member Rodriguez, 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.



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TIM RAGSDALE  
BOARD OF BUILDING APPEALS