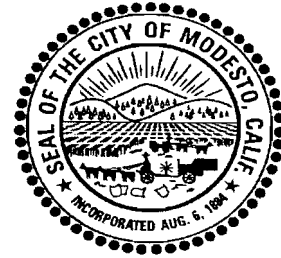


CITY OF MODESTO, CALIFORNIA

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: ROBERTO M. GONZALEZ ET UX
1813 EVERGREEN AVENUE
MODESTO, CA 95350**

**CONCEPCION A. GONZALEZ
C/O ROBERT GONZALEZ
1813 EVERGREEN AVENUE
MODESTO, CA 95350**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE FIRE-DAMAGED SINGLE-FAMILY DWELLING AND ATTACHED GARAGE WITH A FIRE-DAMAGED NON-OPERABLE VEHICLE PARKED ON THE DRIVEWAY, THE FIRE DEBRIS, PERSONAL ITEMS, AND JUNK STORED IN THE FRONT, REAR, AND SIDE YARDS LOCATED AT THE PROPERTY KNOWN AS 1813 EVERGREEN AVEUNE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. NPU2013-02555

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 1813 Evergreen Avenue (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-02, a true and correct copy of which is attached to this Notice.

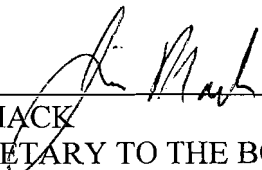
PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-02, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND

DIRECTED TO ABATE SUCH NUISANCE BY BOARDING UP THE FIRE-DAMAGED SINGLE-FAMILY DWELLING PER THE CITY OF MODESTO BOARD UP SPECIFICATIONS; REMOVE ALL FIRE DEBRIS, FIRE-DAMAGED PERSONAL ITEMS STORED IN THE FRONT, REAR, AND SIDE YARDS AND DISCARD THEM IN AN APPROPRIATE MANNER; OBTAIN A DEMOLITION PERMIT FROM THE CITY OF MODESTO BUILDING SAFETY DIVISION AND DEMOLISH THE FIRE-DAMAGED ATTACHED GARAGE AND CEASE OCCUPYING THE PROPERTY WITHIN TEN (10) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES AND PROVIDE CONTINUED PROPERTY MAINTENANCE TO ASSURE THE PROPERTY IS MAINTAINED CLEAN, SAFE, AND FREE OF NUISANCE CONDITIONS FOR THE NEXT TWELVE (12) MONTH PERIOD STARTING WITHIN THIRTY (30) CALENDAR DAYS OF THIS NOTICE.

IF THE NUISANCE IS NOT ABATED AS INDICATED IN RESOLUTION NO. 2014-02, 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: ROBERTO M. GONZALEZ ET UX
1813 EVERGREEN AVENUE
MODESTO, CA 95350

CONCEPCION A. GONZALEZ
C/O ROBERT GONZALEZ
1813 EVERGREEN AVENUE
MODESTO, CA 95350

City Attorney
Jim Mack, Acting Chief Building Official
Chris Kemper, Code Enforcement Officer II
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2014-02

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1813 EVERGREEN AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN TEN (10) DAYS

WHEREAS, Robert Gonzalez has title to and is the recorded owner of property located at 1813 Evergreen Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1813 Evergreen Avenue consists of the fire-damaged single-family dwelling and attached garage with a fire-damaged non-operable vehicle parked on the driveway, the fire debris, personal items, and junk stored in the front, rear, and side yards.

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 8, 2014; and

WHEREAS, a Notice and Order dated January 9, 2014, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and directed to abate such nuisance by boarding up the fire-damaged single-family dwelling per the City of Modesto Board Up Specifications; remove all fire debris, fire-damaged personal items stored in the front, rear, and side yards and discard them in an appropriate manner; obtain a demolition permit from the City of Modesto Building Safety Division and demolish the fire-damaged attached garage and cease occupying the property within ten (10) days of the date of the Notice and Order and provide continued property maintenance to assure the property is maintained clean, safe, and free of nuisance conditions; and

WHEREAS, said Notice and Order dated January 9, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on January 9, 2014, said Notice and Order of January 9, 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 January 10, 2014, said Notice and Order of January 9, 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 1813 Evergreen 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 1813 Evergreen Avenue, 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 the demolition of the unsafe fire-damaged attached garage within ten (10) days, and said Notice and Order gave notice to complete the, the removal of all fire debris, fire-damaged personal items, junk, non-operable vehicles, and personal items stored in the front, rear, and side yards and discard them in an appropriate manner the property, removal and cease occupying the property within ten (10) days from the date of the posting of the notice of the passage of the resolution.
 - a) Within thirty (30) days from the date of posting the Resolution the owners are to provide continued property maintenance of the property for the next twelve (12) month period.

3. If the nuisance is not abated, said building(s) will be razed or removed and all junk, trash, debris and weeds removed by the City of Modesto and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

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. 2014-02, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-02, 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 Reid, was upon roll call carried in the resolution adopted by the following vote:

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

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



TIM RAGSDALE
BOARD OF BUILDING APPEALS

