

**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**

**SEPTEMBER 4, 2014**

**TO: BRYANT JOHNSON  
203 JAMES STREET  
MODESTO, CA 95354-2616**

**BRYANT JOHNSON  
1113 BOULDER AVENUE  
MODESTO, CA 95351**

**MERS  
P. O. BOX 2026  
FLINT, MI 48501-2028**

**PAUL FINANCIAL, LLC  
1401 LOS GAMOS DRIVE  
SAN RAFAEL, CA 94903**

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

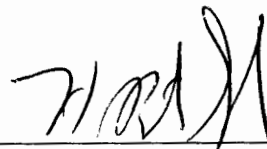
**RE: THE UNSAFE, FIRE-DAMAGED, AND UNLAWFUL SINGLE-FAMILY DWELLING WITH ATTACHED GARAGE CAUSED BY THE EXPIRATION OF BUILDING PERMIT NO. BLD2006-02458 FOR FAILURE TO CALL FOR THE REQUIRED INSPECTIONS AND OBTAIN FINAL APPROVAL BY THE BUILDING PERMIT DIVISION OF THE STANISLAUS COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FOR AN ADDITION OF MASTER BEDROOM/BATHROOM, ATTACHED GARAGE, AND REMODEL OF EXISTING DWELLING LOCATED AT 1113 BOULDER AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2014-60074**

PLEASE TAKE NOTICE that on August 28, 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 1113 Boulder Avenue (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-09, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-09, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY OBTAINING A DEMOLITION PERMIT FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO FOR THE DEMOLITION OF THE SINGLE-FAMILY DWELLING WITH ATTACHED GARAGE WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE OF THIS NOTICE OF PASSAGE OF RESOLUTION; AND PHYSICALLY COMMENCE THE DEMOLITION OF THE SINGLE-FAMILY DWELLING WITH ATTACHED GARAGE AND OBTAIN FINAL APPROVAL FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO WITHIN EIGHTY-FIVE (85) CALENDAR DAYS OF THE DATE OF THIS NOTICE OF PASSAGE OF RESOLUTION OF THIS NOTICE OF PASSAGE OF RESOLUTION. IF YOU FAIL TO ABATE, THE NUISANCE ADMINISTRATIVE ABATEMENT WILL BE CONDUCTED 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: September 4, 2014



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H. BRENT SINCLAIR  
SECRETARY TO THE BOARD

HBS:cp  
Attachment

cc: BRYANT JOHNSON  
203 JAMES STREET  
MODESTO, CA 95354-2616

BRYANT JOHNSON  
1113 BOULDER AVENUE  
MODESTO, CA 95351

MERS  
P. O. BOX 2026  
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PAUL FINANCIAL, LLC  
1401 LOS GAMOS DRIVE  
SAN RAFAEL, CA 94903

City Attorney  
H. Brent Sinclair, Acting Chief Building Official  
Bert Lippert, Building Inspection Program Coordinator  
Chris Kemper, Code Enforcement Officer II  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-09

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1113 BOULDER AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) CALENDAR DAYS AND COMPLETE ALL WORK WITHIN EIGHTY-FIVE (85) CALENDAR DAYS OF THE NOTICE OF PASSAGE OF THIS RESOLUTION

WHEREAS, Bryant Johnson has title to and is the recorded owner of property located at 1113 Boulder Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1113 Boulder Avenue consists of the unsafe, fire-damaged, and unlawful single-family dwelling with attached garage caused by the expiration of Building Permit No. BLD2006-02458 for failure to call for the required inspections and obtain final approval by the Building Permit Division of the Stanislaus County Department of Planning and Community Development for an addition of master bedroom/bathroom, attached garage, and remodel of existing dwelling located at 1113 Boulder Avenue, Modesto, California; City of Modesto Code Enforcement Case No. COD2014-60074; 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 June 26, 2014; and

WHEREAS, a Notice and Order dated July 8, 2014, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto; and You shall obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the single-family dwelling with attached garage within thirty (30) calendar days of the date of this Notice and Order; and Physically commence the demolition of the single-family dwelling with attached garage and obtain final approval from the Building Safety Division of the City of Modesto within sixty (60) calendar days of the date of this Notice and Order; and If you intend to bring the single-family dwelling with attached garage into compliance with the Modesto Municipal Code, you are required to contact the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair these structures; the enclosed Intent to Repair or Demolish Form is to be used for this purpose. Along with the completed form, please include a detailed schedule with dates for application and plan submittal, anticipated permit issuance, start of construction, and progress dates. This schedule must be approved by the Building Official before this option will be considered; and If you intend to bring the single-family dwelling with attached garage into compliance with the Modesto Municipal Code, you are required to secure the single-family dwelling with attached garage from unauthorized entry by boarding up all points

of entry, per the enclosed City of Modesto Board Up Specifications, within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated July 8, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on July 8, 2014, said Notice and Order of July 8, 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 July 8, 2014, said Notice and Order of July 8, 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 August 18, 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 August 28, 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 1113 Boulder 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 1113 Boulder 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 obtaining a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the single-family dwelling with attached garage within thirty (30) calendar days of the date of this Notice of Passage of Resolution.
3. Physically commence the demolition of the single-family dwelling with attached garage and obtain final approval from the Building Safety Division of the City of Modesto within eighty-five (85) calendar days of the date of this Notice of Passage of Resolution.
4. 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.
5. Civil Penalties to be upheld as stated in said Notice and Order dated July 8, 2014.

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. 2014-09, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-09, 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 the regular meeting of the Board of Building Appeals of the City of Modesto held on the 28th day of August 2014, by Board Member Dalton, 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, Reid, Rodriguez, Yoshino, and Ragsdale
Noes:	None
Absent:	None

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



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TIM RAGSDALE  
BOARD OF BUILDING APPEALS

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

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

On September 4, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 1113 Boulder Avenue, Modesto, California; Assessor's Parcel No. 038-036-028-000; on all parties in said action by serving a true copy thereof as follows:

BRYANT JOHNSON, 203 JAMES STREET, MODESTO, CA 95354-2616

BRYANT JOHNSON, 1113 BOULDER AVENUE, MODESTO, CA 95351

MERS, P O BOX 2026, FLINT, MI 48501-2028

PAUL FINANCIAL, LLC, 1401 LOS GAMOS DRIVE, SAN RAFAEL, CA 94903

  X  

**BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am 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.

  X  

**BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am 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.

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

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4<sup>th</sup> day of September 2014 at Modesto, California.



\_\_\_\_\_  
Carmen Piña  
Administrative Office Assistant III