

CITY OF MODESTO, CALIFORNIA

Community and Economic Development Department

Building Safety Division

P.O. Box 642

1010 Tenth Street, Suite 3100

Modesto, California 95353

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NOTICE OF PASSAGE OF RESOLUTION

SEPTEMBER 11, 2015

**TO: LINDA M. HUNTER
706 COLUMBIA WAY
MODESTO, CA 95350**

**OCWEN LOAN SERVICING, LLC
1661 WORTHINGTON ROAD, SUITE 100
WEST PALM BEACH, FL 33409-6493**

**LESLIE KATHERINE PETERSON
1911 OAKDALE ROAD
MODESTO, CA 95355**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE ABANDONED, UNSECURED SINGLE-FAMILY DWELLING WITH
ATTACHED GARAGE DESTROYED BY FIRE LOCATED ON THE
PROPERTY IDENTIFIED AS 706 COLUMBIA WAY, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT
CASE NO. COD2015-70068**

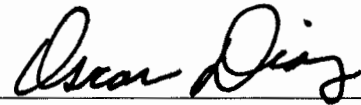
PLEASE TAKE NOTICE that on August 27, 2015, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 706 Columbia Way (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2015-06, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2015-06, 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 AND COMPLETE THE DEMOLITION AND OBTAIN FINAL APPROVAL WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED BY DEMOLITION AND CLEAN UP OF THE PROPERTY THE ABATEMENT SHALL BE COMPLETED 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 11, 2015



OSCAR DIAZ
ACTING BOARD SECRETARY

WC:cp
Attachment

cc: LINDA M. HUNTER
706 COLUMBIA WAY
MODESTO, CA 95350

OCWEN LOAN SERVICING, LLC
1661 WORTHINGTON ROAD, SUITE 100
WEST PALM BEACH, FL 33409-6493

LESLIE KATHERINE PETERSON
1911 OAKDALE ROAD
MODESTO, CA 95355

City Attorney
William Crew, Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
Christopher Kemper, Acting Neighborhood Preservation Unit Supervisor
Oscar Diaz, Plans Examiner
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2015-06

A RESOLUTION DECLARING THE BUILDING LOCATED AT 706 COLUMBIA WAY A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Linda M. Hunter, Leslie Katherine Peterson, and Ocwen Loan Servicing, LLC has title to and is the recorded owner of property located at 706 Columbia Way in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises;" and

WHEREAS, the premises at 706 Columbia Way consists of the abandoned, unsecured single-family dwelling with attached garage destroyed by fire; 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 April 21, 2015, and April 28, 2015; and

WHEREAS, a Notice and Order dated May 8, 2015, was issued by the Chief Building Official and ordered the following: 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 If you want to bring this structure into compliance with the Modesto Municipal code at this time, then you are required to return the enclosed Intent to Repair or Demolish Form to the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair this structure. 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 for framing, drywall, and completion. These dates will be used to track progress and establish civil penalties, if necessary, as noted below. A complete set of plans prepared by a licensed architect, including an evaluation of this structure by an engineer, are required before a building permit to make the necessary repairs can be obtained. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes. If you intend to do the above you are required to secure the rear property line gate from opening, remove all the fire debris from the rear yard and cut down or trim all the overgrown vegetation, trees and weeds in the rear yard within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated May 8, 2015, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy, and a Public Nuisance; and

WHEREAS, on May 8, 2015, said Notice and Order of May 8, 2015, 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 May 8, 2015, said Notice and Order of May 8, 2015, 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 17, 2015, 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 27, 2015, 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 706 Columbia Way; 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 706 Columbia Way, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. The Board affirms the Notice and Order dated May 8, 2015, to Linda M. Hunter, Leslie Katherine Peterson, and Ocwen Loan Servicing, LLC.

- a. If the nuisance is not abated within thirty (30) days, 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. 2015-06, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2015-06, 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 27th day of August 2015, by Board Member, Richard Dalton who moved its adoption, which motion being duly seconded by Board Member, Jon Rodriguez was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Dalton, Rodriguez, Wungluck, Yoshino, and Reid
Noes:	None

Absent: None

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



EWAN YOSHINO
BOARD OF BUILDING APPEALS

