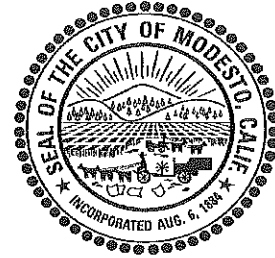


CITY OF MODESTO, CALIFORNIA

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

NOVEMBER 6, 2017

**TO: KAMPEL BHATHAL
3648 WOODLEY DRIVE
SAN JOSE, CA 95148**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE REBUILDING/REMODEL OF THE DWELLING UNITS
IDENTIFIED AS NOS. 106 AND 108 PLEASANT STREET WITHOUT
THE REQUIRED PERMITS AND INSPECTIONS FROM THE BUILDING
SAFETY DIVISION OF THE CITY OF MODESTO OF THE DUPLEX ON
THE PROPERTY KNOWN AS 106 PLEASANT AVENUE, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. COD2017-90131**

PLEASE TAKE NOTICE that on October 26, 2017, 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 106 and 108 Pleasant Street (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2017-10, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2017-10, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE
AND UPHOLDS THE NOTICE AND ORDER DATED SEPTEMBER 12, 2017,
THE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED DOLLARS
(\$100.00) PER DAY WILL BE HELD IN ABEYANCE UNTIL ALL WORK IS
COMPLETE, AND APPROVED BY THE CITY OF MODESTO AND THE**

OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY:

- 1. EVICT THE CURRENT OCCUPANT; OR**
- 2. DO THE NECESSARY WORK TO MAKE THE BUILDING SAFE PER CODE AND PASS FINAL INSPECTION FOR THE WORK**

WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES AND THE PROPERTY OWNER IS GRANTED AN ADDITIONAL SIXTY (60) DAYS TO SUBMIT A CONSTRUCTION PLAN FOR APPROVAL BY THE CITY OF MODESTO.

IF THE NUISANCE IS NOT ABATED, THE CITY OF MODESTO SHALL PROCEED WITH AN ADMINISTRATIVE ABATEMENT 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: November 6, 2017



THOMAS L. TRIMBERGER
SECRETARY TO THE BOARD

TLT:cp
Attachment

cc: KAMPEL BHATHAL
3648 WOODLEY DRIVE
SAN JOSE, CA 95148

City Attorney
Thomas L. Trimberger, Chief Building Official
Bert Lippert, Building Safety Program Coordinator
Chris Kemper, Neighborhood Preservation Supervisor
Oscar Diaz, Building Safety Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2017-10

A RESOLUTION DECLARING THE BUILDING LOCATED AT 106 AND 108 PLEASANT STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Kampel Bhathal has title to and is the recorded owner of property located at 106 and 108 Pleasant Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 106 and 108 Pleasant Street consists of the rebuilding/remodel of the dwelling units identified as Nos. 106 and 108 Pleasant Street without the required permits and inspections from the Building Safety Division of the City of Modesto of the duplex; 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 September 6, 2017; and

WHEREAS, a Notice and Order dated September 12, 2017, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following ordered:

IMMEDIATELY STOP ALL CONSTRUCTION WORK! Within seven (7) calendar days of the date of this Notice and Order contact Thomas L. Trimberger, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options in continuing to rebuild/remodel the duplex. At this meeting you will need to provide a written statement using the enclosed Intent to Repair or Demolish Form declaring your intent to comply with this Notice and Order by obtaining the required building permits from the Building Safety Division of the City of Modesto for the demolition or rebuild/remodel of the duplex. 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. You will be required to provide four (4) sets of floor plans prepared by a California State licensed professional designer, with a plot plan which specifically shows the present side setback distance of the duplex and off-street parking from the property line before a building permit to rebuild/remodel the duplex can be obtained. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes; and

WHEREAS, said Notice and Order dated September 12, 2017, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 12, 2017, said Notice and Order of September 12, 2017, 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 September 12, 2017, said Notice and Order of September 12, 2017, 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 October 16, 2017, a "Notice of Board of Building Appeals Civil Penalty Hearing" 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 of Board of Building Appeals Civil Penalty Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on October 26, 2017, at 4:00 p.m., in the Second Floor Conference Room 2008 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 106 and 108 Pleasant Street; 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, the premises has been declared a public nuisance and upholds the Notice and Order dated September 12, 2017, Civil Penalties in the amount of One Hundred Dollars (\$100.00) per day are held in abeyance until all work is complete, and

approved by the City of Modesto and the nuisance is abated. The owners of the premises are hereby ordered and directed to abate such nuisance and ordered:

1. EVICT THE CURRENT OCCUPANT; OR
2. DO THE NECESSARY WORK TO MAKE THE BUILDING SAFE PER CODE AND PASS FINAL INSPECTION FOR THE WORK

WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES. THE PROPERTY OWNER IS GRANTED AN ADDITIONAL SIXTY (60) DAYS TO SUBMIT A CONSTRUCTION PLAN FOR APPROVAL BY THE CITY OF MODESTO.

IF THE NUISANCE IS NOT ABATED, THE CITY OF MODESTO SHALL PROCEED WITH AN ADMINISTRATIVE ABATEMENT AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE 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. 2017-10, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-10, 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 26th day of October 2017, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded by Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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



RICK REID
BOARD OF BUILDING APPEALS