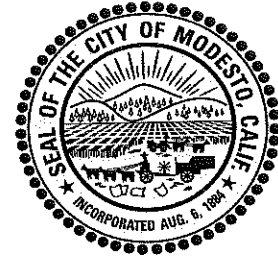


**CITY OF MODESTO, CALIFORNIA**

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**

**FEBRUARY 6, 2018**

**TO: ANTONIO ALBOR FIGUEROA  
1445 SHERWOOD AVENUE  
MODESTO, CA 95350**

**ANTONIO ALBOR FIGUEROA  
7015 TURNBERRY LANE  
RIVERBANK, CA 95367**

**ANTONIO ALBOR FIGUEROA  
PO BOX 32  
KEYES, CA 95328**

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

**RE: THE UNPERMITTED ADDITION ON THE NORTH SIDE OF THE  
DWELLING AND CONVERSION OF THE ATTACHED GARAGE TO  
HABITABLE SPACE WITHOUT THE REQUIRED PERMITS LOCATED  
AT THE PROPERTY KNOWN AS 1445 SHERWOOD AVENUE,  
MODESTO, CALIFORNIA; CITY OF MODESTO CODE  
ENFORCEMENT CASE NO. COD2017-90118**

PLEASE TAKE NOTICE that on January 25, 2018, 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 1445 Sherwood Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2018-02, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2018-02, THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL ON SEPTEMBER 13, 2017; THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE; AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED TO ABATE SUCH NUISANCE AS DIRECTED IN THE NOTICE AND ORDER DATED SEPTEMBER 13, 2017, WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.**

**THE BOARD AFFIRMS THE HEARING COSTS OF SIX HUNDRED FORTY FOUR DOLLARS AND SIXTY TWO CENTS (\$644.62) AND WILL HOLD IN ABEYANCE THE CIVIL PENALTIES OF TEN THOUSAND FOUR HUNDRED DOLLARS (\$10,400.00) AS OUTLINED IN THE NOTICE AND ORDER DATED SEPTEMBER 13, 2017, AND ACCEPTED IN THE ACCOUNT OF COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET. CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY WILL CONTINUE TO ACCRUE UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE AS ORDERED IN THE NOTICE AND ORDER DATED SEPTEMBER 13, 2017.**

**THE BOARD ORDERS THE OWNERS OF THE PREMISES TO CONTACT THE CITY OF MODESTO BUILDING SAFETY DIVISION AND OBTAIN ALL REQUIRED PERMITS TO REMOVE OR MAKE LEGAL THE UNPERMITTED ADDITION WITHIN 30 DAYS OR BY THE DATE OF THE FEBRUARY 22, 2018 HEARING.**

**IF THE NUISANCE IS NOT ABATED, THE CITY OF MODESTO WILL 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 Resolution and Order Directing Abatement of Nuisance 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: February 6, 2018



---

THOMAS L. TRIMBERGER  
SECRETARY TO THE BOARD

TLT:ml  
Attachment

cc: ANTONIO ALBOR FIGUEROA  
1445 SHERWOOD AVENUE  
MODESTO, CA 95350

ANTONIO ALBOR FIGUEROA  
7015 TURNBERRY LANE  
RIVERBANK, CA 95367

ANTONIO ALBOR FIGUEROA  
PO BOX 32  
KEYES, CA 95328

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. 2018-02

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1445 SHERWOOD AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Antonio Albor Figueroa has title to and is the recorded owner of property located at 1445 Sherwood Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1445 Sherwood Avenue consists of an unpermitted addition on the north side of the dwelling and conversion of the attached garage to habitable space without the required permits; 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 8, 2017; and

WHEREAS, a Notice and Order dated September 13, 2017, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following ordered:

Obtain all required permits from the City of Modesto Building Safety Division to remove or make legal the unpermitted addition. Cease occupancy of the attached garage, make the roll-up doors operable and remove all plumbing, mechanical, electrical, and other work done without first obtaining the required permits and approvals from the City of Modesto Building Safety Division and Planning Department.

All of these outstanding conditions must be abated within sixty (60) calendar days of the date of this Notice and Order.

WHEREAS, said Notice and Order dated September 13, 2017, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 13, 2017, said Notice and Order of September 13, 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 13, 2017, said Notice and Order of September 13, 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 January 12, 2018, 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 January 25, 2018, 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 1445 Sherwood 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. The Board upholds the Notice and Order issued by the Chief Building Official on September 13, 2017; the premises has been declared a public nuisance; and the owners of the premises are hereby ordered to abate such nuisance as ordered in the Notice and Order dated September 13, 2017.
2. The Board affirms the hearing costs of Six Hundred Forty Four Dollars and Sixty Two Cents (\$644.62) and will hold in abeyance the civil penalties of Ten Thousand Four Hundred Dollars (\$10,400.00) as outlined in the Notice and Order dated September 13, 2017 and accepted in the Account Of Cost Report under

Exhibit B of the civil penalty hearing packet. Civil penalties in the amount of One Hundred Dollars (\$100.00) per day will continue to accrue until the property is brought into compliance as ordered in the Notice and Order dated September 13, 2017.

3. The Board orders the owners of the premises to contact the City of Modesto Building Safety Division and obtain all required permits to remove or make legal the unpermitted addition within 30 days or by the date of the February 22, 2018 Hearing.

IF THE NUISANCE IS NOT ABATED WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES 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.

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. 2018-02, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-02, 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 the regular meeting of the Board of Building Appeals of the City of Modesto held on the 25<sup>th</sup> day of January 2018, 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:

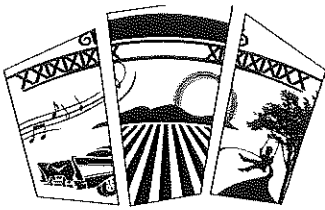
Ayes:	Dalton, Yoshino, Reid
Noes:	None
Absent:	Wungluck

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



---

RICK REID  
BOARD OF BUILDING APPEALS



CITY OF  
**MODESTO**  
CALIFORNIA

INVOICE

**CITY OF MODESTO**  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION  
1010 Tenth Street, Suite 3100 • Modesto, CA • 95358  
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353  
209.577.5232 / fax 209.571.5135

TO: ANTONIO ALBOR FIGUEROA  
1445 SHERWOOD AVE  
MODESTO, CA 95350

INVOICE NO: 89043  
DATE: 2/06/18

CUSTOMER NO: 56559/56559

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 01/25/18 BBA CIVIL PENALTY HEARING - 1445 SHERWOOD AVE CODE ENFORCEMENT CASE NO. COD2017-90118	644.62	644.62

AS OF 9/1/17, PAYMENTS BY DEBIT/CREDIT CARD WILL  
BE CHARGED A 2.4% SERVICE FEE FOR ALL TRANSACTIONS

TOTAL DUE: \$644.62

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 2/06/18 DUE DATE: 2/16/18  
CUSTOMER NO: 56559/56559

NAME: FIGUEROA, ANTONIO ALBOR  
TYPE: NP - NEIGHBORHD PRESERVATN

REMIT AND MAKE CHECK PAYABLE TO:  
CITY OF MODESTO  
PO BOX 3441  
1010 TENTH STREET  
MODESTO CA 95353

INVOICE NO: 89043  
TERMS: NET 10 DAYS

AMOUNT: \$644.62



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

2 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen  
3 years and not a party to the within entitled cause; my business address is: 1010 10<sup>th</sup> Street, Modesto,  
4 California 95353.

5 On February 6, 2018, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for  
6 1445 Sherwood Avenue, Modesto, California, Assessor's Parcel No. 119-024-054 on all parties in  
said action by serving a true copy thereof as follows:

7 **TO: ANTONIO ALBOR FIGUEROA**  
8 **1445 SHERWOOD AVENUE**  
9 **MODESTO, CA 95350**

10 **ANTONIO ALBOR FIGUEROA**  
11 **7015 TURNBERRY LANE**  
**RIVERBANK, CA 95367**

12 **ANTONIO ALBOR FIGUEROA**  
13 **PO BOX 32**  
14 **KEYES, CA 95328**


15  X  **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to -  
16 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  
17 Postal Service the same day.

18  X  **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
19 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  
20 correspondence for mailing, and pursuant to those practices the envelope would be  
deposited with the United States Postal Service the same day.

21   **BY FACSIMILE:** I sent such document by way of facsimile to the offices of the  
22 addressee as indicated on the attached distribution list.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing  
24 is true and correct. Executed this 6<sup>h</sup> day of February, 2018, at Modesto, California.

25  
26 **Case # COD2017-90118**

27   
28 \_\_\_\_\_  
Michelle Luevano, Administrative Office Assistant II

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

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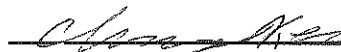
26 \_\_\_\_\_ **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to  
27 the parties herein at the addresses set forth above.

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

\_\_\_\_\_ **BY FACSIMILE:** I sent such document by way of facsimile to the offices of the  
addressee as indicated on the attached distribution list.

I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct. Executed this 6<sup>th</sup> day of February, 2018, at Modesto, California.

Case # COD2017-90118

  
\_\_\_\_\_  
Christopher S. Kemper  
Neighborhood Preservation Supervisor