

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

MAY 7, 2018

**TO: PATRICIA A GEORGES 2003 TRUST
C/O PATRICIA A GEORGES
300 HASTINGS LANE
MODESTO, CA 95350**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED


**RE: THE BUILDING OF A DETACHED ACCESSORY STRUCTURE
WITHOUT THE REQUIRED PERMITS AND INSPECTIONS FROM THE
BUILDING SAFETY DIVISION OF THE CITY OF MODESTO AT
300 HASTINGS LANE, MODESTO, CALIFORNIA; CITY OF MODESTO
CODE ENFORCEMENT CASE NO. COD2018-40005**

PLEASE TAKE NOTICE that on April 26, 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 300 Hastings Lane (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2018-05, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2018-05, THE STRUCTURE LOCATED AT 300 HASTINGS LANE IS
NOW IN COMPLIANCE THE STRUCTURE HAS BEEN REDUCED DOWN TO
115 SQUARE FEET. CIVIL PENALTIES IN THE AMOUNT OF SIXTY-SEVEN
THOUSAND DOLLARS (\$67,000.00) ARE RESCINDED AND THE
ADMINSTRATIVE COSTS OF EIGHT HUNDRED THIRTEEN DOLLARS AND
EIGHTY-ONE CENTS (\$813.81) ARE MAINTAINED.**

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: May 7, 2018



THOMAS L. TRIMBERGER
SECRETARY TO THE BOARD

TLT:cp
Attachment

Enclosure: City of Modesto Invoice

cc: PATRICIA A GEORGES 2003 TRUST
C/O PATRICIA A GEORGES
300 HASTINGS LANE
MODESTO, CA 95350

City Attorney
Thomas L. Trimberger, Chief Building Official
Bert Lippert, Building Safety Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2018-05

A RESOLUTION CONFIRMING THE STRUCTURE LOCATED AT 300 HASTINGS LANE IS NOW IN COMPLIANCE. THE STRUCTURE HAS BEEN REDUCED DOWN TO 115 SQUARE FEET. CIVIL PENALTIES IN THE AMOUNT OF SIXTY-SEVEN THOUSAND DOLLARS (\$67,000.00) ARE RESCINDED AND THE ADMINISTRATIVE COSTS OF (\$813.81) ARE MAINTAINED.

WHEREAS, Patricia A Georges 2003 Trust C/O Patricia A Georges has title to and is the recorded owner of the property located at 300 Hastings Lane in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 300 Hastings Lane consists of the building of a detached accessory structure without the required permits and inspections from the Building Safety Division; 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 structure 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 16, 2018; and

WHEREAS, a Notice and Order dated January 17, 2018, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and 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 build the accessory structure. Within seven (7) calendar days of the date of this Notice and Order, but following your appointment with Mr. Trimberger, 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 construction of the accessory 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, roof sheathing, and completion. These dates will be used to track progress and establish civil penalties, if necessary, as noted below. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes; and

WHEREAS, said Notice and Order dated January 17, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on January 17, 2018, said Notice and Order of January 17, 2018, 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 17, 2018, said Notice and Order of January 17, 2018, 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 April 16, 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 April 26, 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 300 Hastings Lane; 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 structure located at 300 Hastings Lane is now in compliance. The structure has been reduced in size down to 115 square feet. Civil Penalties in the amount of Sixty-Seven Thousand Dollars (\$67,000.00) are rescinded and the Administrative Costs of (\$813.81) are maintained.

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. 2018-05, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-06, 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 April 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



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: GEORGES, PATRICIA A TR
PATRICIA A GEORGES 2003 TRUST
300 HASTINGS LANE
MODESTO, CA 95350

INVOICE NO: 91368
DATE: 5/07/18

CUSTOMER NO: 54525/54525

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS APRIL 26, 2018 CIVIL PENALTY HEARING - 300 HASTINGS LN CODE ENFORCEMENT CASE NO. COD2018-40005 RESOLUTION NO. 2018-05	813.81	813.81

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$813.81

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 5/07/18 DUE DATE: 5/17/18
CUSTOMER NO: 54525/54525

NAME: GEORGES, PATRICIA A TR
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 91368
TERMS: NET 10 DAYS

AMOUNT: \$813.81

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

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

6 On May 7, 2018, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, on the
7 property located at the address of 300 Hastings Lane, Modesto, California, APN 013-067-024 on all
8 parties in said action by serving a true copy thereof as follows:

9 **TO: PATRICIA A GEORGES 2003 TRUST**
10 **C/O PATRICIA A GEORGES**
11 **300 HASTINGS LANE**
12 **MODESTO, CA 95350**

13 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to -
14 the office's practice for collection and processing of correspondence for mailing, and
15 pursuant to those practices the envelope would be deposited with the United States
16 Postal Service the same day.

17 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
18 fully prepaid to be placed in the United States Mail at Modesto, California. I am
19 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
21 deposited with the United States Postal Service the same day.

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

24 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
25 and correct. Executed this 7th day of May, 2018, at Modesto, California.

26 **COD2018-40005**

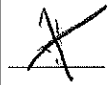
27 
28 _____
Carmen Pina, Acting Senior Administrative Assistant

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

2
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11 **C/O PATRICIA A GEORGES**
12 **300 HASTINGS LANE**
13 **MODESTO, CA 95350**

14 

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

17 _____

18 **BY POSTING:** I posted such document on the property of the address as indicated
19 above.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
21 and correct. Executed this 7th day of May, 2018, at Modesto, California.

22 **COD2018-40005**

23 

24 Bert Lippert, Building Safety Program Coordinator