

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: SALMENDRA NARAYAN SEWAK
3413 PALLISER WAY
MODESTO, CA 95355**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE VACANT SINGLE-FAMILY DWELLING DESTROYED BY FIRE
AND VANDALS WITH ATTACHED TWO-CAR GARAGE AND AN
ATTACHED CARPORT ON THE PROPERTY KNOWN AS
100 EULA DRIVE, MODESTO, CALIFORNIA; CITY OF MODESTO
CODE ENFORCEMENT CASE NO. COD2017-90213**

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 100 Eula Drive (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2018-06, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2018-06, THE BOARD UPHOLDS AND MODIFIES THE NOTICE AND
ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL ON JANUARY 3, 2018;
THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE; AND THE
OWNERS OF THE PREMISES ARE HEREBY ORDERED TO ABATE SUCH
NUISANCE BY SECURING ALL POINTS OF ENTRY OR ANY OPEN ACCESS
POINT TO PREVENT UNAUTHORIZED ENTRY TO THE PROPERTY
WITHIN 7 DAYS FROM TODAY’S DATE OF APRIL 26, 2018, PER THE CITY
OF MODESTO BOARD UP SPECIFICATIONS; HIRE A DESIGNER OR
ARCHITECT TO DRAW THE NECESSARY PLANS BY THE DATE OF THE
NEXT BOARD OF BUILDING APPEALS MEETING DATE OF MAY 24, 2018,**

CONTINGENT UPON THIS, THE BOARD WILL HOLD THE CIVIL PENALTIES IN THE AMOUNT OF \$80,000.00 IN ABEYANCE AND WILL UPHOLD ADMINISTRATIVE COSTS IN THE AMOUNT OF \$783.11. 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 JANUARY 3, 2018.

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 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:ml
Attachment
Enclosure: City of Modesto Board Up Specifications

cc: SALMENDRA NARAYAN SEWAK
3413 PALLISER WAY
MODESTO, CA 95355

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. 2018-06

A RESOLUTION DECLARING THE BUILDING LOCATED AT 100 EULA DRIVE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO SECURE ALL POINTS OF ENTRY OR ANY OPEN ACCESS POINT TO PREVENT UNAUTHORIZED ENTRY TO THE PROPERTY WITHIN 7 DAYS FROM TODAY'S DATE OF APRIL 26, 2018, PER THE CITY OF MODESTO BOARD UP SPECIFICATIONS; HIRE A DESIGNER OR ARCHITECT TO DRAW THE NECESSARY PLANS BY THE DATE OF THE NEXT BOARD OF BUILDING APPEALS MEETING DATE OF MAY 24, 2018

WHEREAS, Salmendra Narayan Sewak, has title to and is the recorded owner of property located at 100 Eula Drive in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 100 Eula Drive consists of a vacant single-family dwelling destroyed by fire and vandals with attached two-car garage and an attached carport; 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 December 19, 2017; and

WHEREAS, a Notice and Order dated January 3, 2018, was issued by the Chief Building Official; and

WHEREAS, said Notice and Order dated January 3, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on January 3, 2018, said Notice and Order of January 3, 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 3, 2018, said Notice and Order of January 3, 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 100 Eula Drive; 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 100 Eula Drive, 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 secure all points of entry or any open access point to prevent unauthorized entry per the City of Modesto Board Up Specifications within Seven (7) days from today's date of April 26, 2018.
3. That the owner(s) of said premises are hereby directed and ordered to hire a designer or architect to draw the necessary plans by the date of the next Board of Building Appeals meeting date of May 24, 2018.
4. That the Notice and Order be upheld and modified, that the Civil Penalties of Eighty Thousand Dollars (\$80,000) be held in abeyance, and the Administrative Fees of Seven Hundred Eighty Three Dollars and Eleven Cents (\$783.11) be upheld

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. 2018-06, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-06, 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 26th day of April 2018, by Evan Yoshino, who moved its adoption, which motion being duly seconded by Rick 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: SALMENDRA SEWAK
3413 PALLISER WAY
MODESTO, CA 95355

INVOICE NO: 91370
DATE: 5/07/18

CUSTOMER NO: 47113/47113

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS APRIL 26, 2018 CIVIL PENALTY HEARING - 100 EULA DRIVE CODE ENFORCEMENT CASE NO. COD2017-90213 RESOLUTION NO. 2018-06	783.11	783.11

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$783.11

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 5/07/18 DUE DATE: 5/17/18
CUSTOMER NO: 47113/47113

NAME: SEWAK, SALMENDRA
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 91370
TERMS: NET 10 DAYS

AMOUNT: \$783.11



MODESTO POLICE DEPARTMENT AUTHORITY TO ARREST

I, _____ hereby authorize officers of the MODESTO POLICE DEPARTMENT to enter my property located at _____, Modesto, California, and arrest any/all persons on said property who do not have my written permission to be on said property, or who are committing any offenses in violation of any laws of the State of California or the City of Modesto Municipal Code.

I furthermore will prosecute all persons arrested to the fullest extent of the law.

SIGNED: _____ DATE: _____

LOCATION or
BUSINESS NAME: _____

PROPERTY OWNER
Or AGENT: _____

CELL: _____

HOME: _____

BUSINESS: _____

EMAIL: _____

<input type="checkbox"/> 30 Days	<input type="checkbox"/> 60 Days
<input type="checkbox"/> 90 Days	<input type="checkbox"/> 180 Days
<input type="checkbox"/> Other _____	
Updated By: _____	
Date: _____	
<i>Office Use Only</i>	

(Must be updated every 180 days unless otherwise indicated)

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,
California 95353.

5 On May 7, 2018, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, on the
6 property located at the address of 100 Eula Drive, Modesto, California, APN 033-076-099 on all
7 parties in said action by serving a true copy thereof as follows:

8 **TO: SALMENDRA NARAYAN SEWAK**
9 **3413 PALLISER WAY**
10 **MODESTO, CA 95355**

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

14 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
15 fully prepaid to be placed in the United States Mail at Modesto, California. I am
16 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.

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

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

21
22 **COD2017-90213**

23 
24 _____
25 Carmen Pina, Acting Senior Administrative Assistant
26
27
28

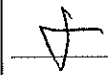
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9 parties in said action by serving a true copy thereof as follows:

10 **TO: SALMENDRA NARAYAN SEWAK**
11 **3413 PALLISER WAY**
MODESTO, CA 95355

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

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

16
17 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
18 and correct. Executed this 7th day of May, 2018, at Modesto, California.

19
20 **COD2017-90213**

21 
22 _____
23 Bert Lippert, Building Safety Program Coordinator
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