

**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: FELIPE CASALDUC  
JENNIFER CASALDUC  
2260 MABLE AVENUE  
MODESTO, CA 95357**

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

**RE: THE CONSTRUCTION OF A TWO-STORY STRUCTURE WITHOUT  
THE REQUIRED PERMITS AND INSPECTIONS AT 2260 MABLE  
AVENUE MODESTO, CALIFORNIA; CITY OF MODESTO CODE  
ENFORCEMENT CASE NO. COD2017-90029**


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 2260 Mable Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2018-07, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION  
NO. 2018-07, THE BOARD MODIFIES THE NOTICE AND ORDER DATED  
FEBRUARY 16, 2017, HOLDING THE CIVIL PENALTIES IN THE AMOUNT  
OF ONE HUNDRED DOLLARS (\$100.00) PER DAY IN ABEYANCE WITH THE  
FINAL BUILDING INSPECTION SIGN OFF AND APPROVAL TO BE  
COMPLETED BY MAY 1, 2019, AND TO MAINTAIN THE CURRENT  
ADMINISTRATIVE COSTS IN THE AMOUNT OF SEVEN-HUNDRED  
EIGHTY-EIGHT DOLLARS AND FORTY ONE CENTS (\$788.41)**

**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: May 7, 2018

  
\_\_\_\_\_  
THOMAS L. TRIMBERGER  
SECRETARY TO THE BOARD

TLT:cp  
Attachment

Enclosure: City of Modesto Invoice

cc: FELIPE CASALDUC  
JENNIFER CASALDUC  
2260 MABLE AVENUE  
MODESTO, CA 95357

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2018-07

A RESOLUTION MODIFYING THE NOTICE AND ORDER DATED FEBRUARY 16, 2017, HOLDING THE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY IN ABEYANCE WITH THE FINAL BUILDING INSPECTION SIGN OFF AND APPROVAL TO BE COMPLETED BY MAY 1, 2019, AND TO MAINTAIN THE CURRENT ADMINISTRATIVE COSTS IN THE AMOUNT OF SEVEN-HUNDRED EIGHTY-EIGHT DOLLARS AND FORTY ONE CENTS (\$788.41)

WHEREAS, Felipe and Jennifer Casaduc have title to and are the recorded owners of property located at 2260 Mable Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 2260 Mable Avenue consists of the construction of a two-story structure without the required permits and inspections; 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 February 10, 2017; and

WHEREAS, a Notice and Order dated February 16, 2017, was issued by the Chief Building Official and ordered to: IMMEDIATELY STOP ALL CONSTRUCTION WORK! Within seven (7) calendar days of the date of this Notice and Order contact William Crew, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options in continuing to build this two-story structure. Included in this meeting will be someone from the City’s Planning Division to discuss building setbacks and from Land Development Engineering to discuss abandonment of the septic tank and connection to the City sewer. For this meeting a plot plan drawn to scale which specifically shows the present location of the two-story structure and the side yard setback distance between it and the eastern property line, location of the septic tank, leach field and City sewer stub out. Within seven (7) calendar days of the date of this Notice and Order, but following your appointment with Mr. Crew, 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 construction of the single-family dwelling and connection to the City sewer. 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) complete set of plans prepared by a California State licensed professional designer, including an

evaluation of this structure by an engineer with a plot plan which specifically shows the present side setback distance of the two-story structure from the property line before a building permit to construct the two-story structure 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 February 16, 2017, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on February 16, 2017, said Notice and Order of February 16, 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 February 16, 2017, said Notice and Order of February 16, 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 constitute 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 2260 Mable 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:

**The Board modifies the Notice and Order dated February 16, 2017, holding the Civil Penalties in the amount of One Hundred Dollars (\$100.00) per day in abeyance, with the final building inspection sign off and approval to be completed by May 1, 2019, and to maintain the current Administrative Costs in the amount of Seven-Hundred Eighty-Eight Dollars And Forty One Cents (\$788.41).**

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by May 1, 2019, 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 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. 2018-07, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-07, 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, Evan Yoshino who moved its adoption, which motion being duly seconded by

Board Member, Rick Reid, 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: FELIPE & JENNIFER CASALDUC  
2260 MABLE AVENUE  
MODESTO, CA 95357

INVOICE NO: 91367  
DATE: 5/07/18

CUSTOMER NO: 57275/57275

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS APRIL 26, 2018 CIVIL PENALTY HEARING - 2260 MABLE AVE CODE ENFORCEMENT CASE NO. COD2017-90029 PER BBA RESOLUTION NO. 2018-07	788.41	788.41

PAY ONLINE AT [MODESTOGOV.COM](http://MODESTOGOV.COM)

TOTAL DUE: \$788.41

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 5/07/18 DUE DATE: 5/17/18  
CUSTOMER NO: 57275/57275

NAME: CASALDUC, FELIPE & JENNIFER  
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 91367  
TERMS: NET 10 DAYS

AMOUNT: \$788.41

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 10<sup>th</sup> 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 2260 Mable Avenue, Modesto, California, APN 083-004-052 on all  
parties in said action by serving a true copy thereof as follows:  
7

8 **TO: FELIPE CASALDUC**  
9 **JENNIFER CASALDUC**  
10 **2260 MABLE AVENUE**  
**MODESTO, CA 95357**

11  
12  X  **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to -  
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  
17 deposited with the United States Postal Service the same day.

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

19  
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 7<sup>th</sup> day of May, 2018, at Modesto, California.

22 **COD2017-90029**

23   
24 \_\_\_\_\_  
Carmen Pina, Acting Senior Administrative Assistant