

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

AUGUST 24, 2018

**TO: JESUS S. ALBERTO
15901 OAK STREET
DELHI, CA 95315**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE SECOND STRUCTURE AT REAR OF PROPERTY DESTROYED
BY FIRE KNOWN AS 216½ ON THE PROPERTY WITH THE ADDRESS
OF 216 MAPLE STREET, MODESTO, CALIFORNIA; CITY OF
MODESTO CODE ENFORCEMENT CASE NO. COD2018-40039**

PLEASE TAKE NOTICE that on July 26, 2018, the Board of Building Appeals of the City of Modesto conducted a hearing regarding the real property situated in the City of Modesto commonly referred to as 216 and 216 ½ Maple Street (hereinafter referred to collectively as the “premises”). Following the hearing, the Board adopted Resolution No. 2018-08, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2018-08, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE
AND THE BOARD AFFIRMS THE NOTICE AND ORDER DATED APRIL 18,
2018, THE CIVIL PENALTIES IN THE AMOUNT OF SEVEN THOUSAND
DOLLARS (\$7,000.00) AND HEARING COSTS IN THE AMOUNT OF NINE
HUNDRED SIXTY-TWO DOLLARS (\$962.00).**

**THE NUISANCE WAS NOT ABATED BY THE DATE AS ORDERED IN THE
NOTICE AND ORDER ISSUED BY THE CITY OF MODESTO ON APRIL 18,
2018. THE CITY OF MODESTO WILL PROCEED WITH ADMINSTRATIVE**

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2018-08

A RESOLUTION DECLARING THE BUILDING LOCATED 216 ½ MAPLE STREET A PUBLIC NUISANCE. THE BOARD AFFIRMS THE NOTICE AND ORDER DATED APRIL 18, 2018, THE BOARD ALSO AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF SEVEN THOUSAND DOLLARS (\$7,000) AS ORDERED IN THE NOTICE IN ORDER AND HEARING COSTS IN THE AMOUNT OF NINE HUNDRED SIXTY-TWO DOLLARS (\$962.00).

THE NUISANCE WAS NOT ABATED BY THE DATE AS ORDERED IN THE NOTICE AND ORDER ISSUED BY THE CITY OF MODESTO ON APRIL 18, 2018. THE CITY OF MODESTO WILL PROCEED WITH ADMINSTRATIVE ABATEMENT AND THE EXPENSE THEREOF MADE A PERSONAL LIEN AGAINST THE OWNER AT THE TIME THE NOTICE AND ORDER WAS ISSUED ON APRIL 18, 2018, JESUS L. ALBERTO.

WHEREAS, Jesus S. Alberto has title to and is the recorded owner of property located at 216 and 216 ½ Maple Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

Whereas, the premises at 216 and 216 ½ Maple Street consists of the second structure at rear of property destroyed by fire; 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 March 2, 2018, March 18, 2018, and April 16, 2018; and

WHEREAS, a Notice and Order dated April 18, 2018, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following ordered: You shall obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the structure identified as 216½ Maple Street, physically commence the demolition, and obtain final approval from the Building Safety Division of the City of Modesto within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated April 18, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on April 18, 2018, said Notice and Order of April 18, 2018, was mailed by certified mail, postage prepaid, return receipt requested to record owners and

THE NUISANCE WAS NOT ABATED BY THE DATE AS ORDERED IN THE NOTICE AND ORDER ISSUED BY THE CITY OF MODESTO ON APRIL 18, 2018. THE CITY OF MODESTO WILL PROCEED WITH ADMINISTRATIVE ABATEMENT AND THE EXPENSE THEREOF MADE A PERSONAL LIEN AGAINST THE OWNER AT THE TIME THE NOTICE AND ORDER WAS ISSUED ON APRIL 18, 2018.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-08, 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 July 2018, by Board Member, Evan Yoshino, 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:	Bergman, 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

APPENDIX A

ACCOUNT OF COST REPORT

Case #: COD2018-40039

Responsible Party and Property Owner

JESUS S ALBERTO
15901 OAK ST
DELHI, CA 95315

Re: 216 MAPLE ST MODESTO, CALIFORNIA
Assessor's Parcel Number: 101-005-057

**Legal Description: ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA,
COUNTY OF STANISLAUS, CITY OF MODESTO, DESCRIBED AS FOLLOWS:
CITY OF MODESTO BLK 419 LOTS 23 +**

Original Date of Notice: July 16, 2018

These costs are calculated pursuant to the Modesto Municipal Code (MMC), Section 9-8.1208 and/or Article 1, Chapter 6 of Title 1. Civil Penalties have been assessed (if applicable) and calculated pursuant to MMC Article 3, Chapter 6 of Title 1.

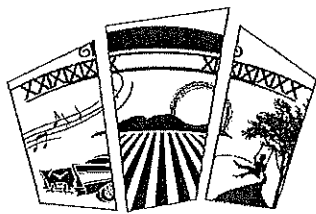
COST ACCOUNTING:

Administrative Cost 7/26/18 - BBA HEARING - POSTAGE \$27.15, \$962.00
PRINTING \$ 75.60 ADMIN STAFF \$151.45, ENFORCEMENT STAFF
\$599.80, CAO \$108.00

Civil Penalty 70 DAYS @ \$100.00 PER DAY \$7,000.00

TOTAL BALANCE DUE BY OWNER: \$7,962.00

The balance is due and payable upon receipt of statement. Failure of the owner to make total payment upon demand by the City may result in the costs being assessed as a personal obligation, nuisance abatement lien, or a code enforcement lien. In addition, the Director may refer the case to the Finance Department or refer it to the City Attorney to file a court action to recover the costs.



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: JESUS S ALBERTO
15901 OAK ST
DELHI, CA 95315

INVOICE NO: 94219
DATE: 8/23/18

CUSTOMER NO: 56247/56247

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS JULY 26, 2018 BBA HEARING - 216 MAPLE STREET CODE ENFORCEMENT CASE NO. COD2018-40039 RESOLUTION NO. 2018-08	962.00	962.00
1.00	CIVIL PENALTIES 70 DAYS @ \$100.00 PER DAY - 216 MAPLE STREET CODE ENFORCEMENT CASE NO. COD2018-40039 RESOLUTION NO. 2018-08	7,000.00	7,000.00

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$7,962.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/23/18 DUE DATE: 9/03/18
CUSTOMER NO: 56247/56247

NAME: ALBERTO, JESUS S
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 94219
TERMS: NET 10 DAYS

AMOUNT: \$7,962.00

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 95354.

6 On August 24, 2018, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
7 216 MAPLE STREET, Modesto, California; Assessor's Parcel No. 101-005-057; on all parties in
8 said action by serving a true copy thereof as follows:

9 JESUS S. ALBERTO
10 15901 OAK STREET
11 DELHI, CA 95315

12 X

13 **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to
14 be placed in the United States Mail at Modesto, California. I am readily familiar with
15 the office's practice for collection and processing of correspondence for mailing, and
16 pursuant to those practices the envelope would be deposited with the United States
17 Postal Service the same day.

18 X

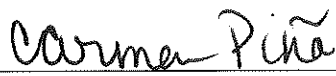
19 **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
20 fully prepaid to be placed in the United States Mail at Modesto, California. I am
21 readily familiar with the office's practice for collection and processing of
22 correspondence for mailing, and pursuant to those practices the envelope would be
23 deposited with the United States Postal Service the same day.

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

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

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

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


CARMEN PINA
ADMINISTRATIVE OFFICE ASSISTANT III

7018 0680 0000 1334 0696

U.S. Postal Service™ *MC of PSSU*
CERTIFIED MAIL® RECEIPT *RSLTION*
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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ <i>6.88</i>
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	



COD2018-40039
JESUS S ALBERTO
15901 OAK ST
DELHI CA 95315