

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 5, 2019

**TO: JUAN PAULO TORRES
2400 SNYDER AVENUE
MODESTO, CA 95356**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE ILLICIT DISCHARGE OF RAW SEWAGE FROM THE REMOVED
CLEANOUT CAP OF THE CLOGGED SEWER DRAIN LINE ON THE
PROPERTY KNOWN AS 120 HOWARD STREET, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. COD2018-40155**

PLEASE TAKE NOTICE that on January 24, 2019, 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 120 Howard Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-02, a true and correct copy of which is attached to this Notice.

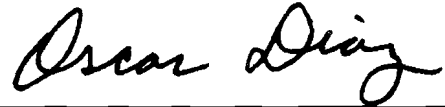
THE BOARD AFFIRMS THE PROPERTY IS A PUBLIC NUISANCE; THE BOARD AFFIRMS THE NOTICE AND ORDER DATED SEPTEMBER 28, 2018; THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF FIVE HUNDRED AND FOURTEEN DOLLARS AND THIRTY-THREE CENTS (\$514.33).

AS THE RESULT OF THE PROPERTY OWNER ABATING THE NUISANCE CONDITION THE BOARD WAIVES THE ACCUMULATED CIVIL PENALTES IN THE AMOUNT OF SIX THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$6,750) AND ORDERS THE PROPERTY OWNER PAY THE ADMINISTRATIVE HEARING COSTS IN THE AMOUNT OF FIVE HUNDRED

AND FOURTEEN DOLLARS AND THIRTY-THREE CENTS (\$514.33) AND IF NOT PAID THE EXPENSE THEREOF WILL BE MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND THE PROPERTY.

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: February 5, 2019



OSCAR DIAZ
SECRETARY TO THE BOARD

OD:cp
Attachment

cc: JUAN PAULO TORRES
2400 SNYDER AVENUE
MODESTO, CA 95356

City Attorney
Oscar Diaz, Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-02

A RESOLUTION DECLARING THE BUILDING LOCATED AT 120 HOWARD STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE

WHEREAS, JUAN PAULO TORRES has title to and is the recorded owner of property located at 120 Howard Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 120 Howard Street consists of the illicit discharge of raw sewage from the removed cleanout cap of the clogged sewer drain line on the property; 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, a Notice and Order dated September 28, 2018, was issued by the Chief Building Official and the property owner ordered to hire the services of a State of California licensed plumbing contractor to inspect the sewer drain line to find the reason why it is clogged. have the State of California licensed plumbing contractor provide a written report detailing the reason for the cause of the clogged sewer drain line and the repair required to unclog it. while waiting for the State of California licensed plumbing contractor to inspect the sewer drain line and to make the required repairs take the necessary action to prevent further illicit discharge of raw sewage. All the above is to be completed within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated September 28, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 28, 2018, said Notice and Order of September 28, 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 September 28, 2018, said Notice and Order of September 28, 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 January 14, 2019, a “Notice of 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 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 24, 2019, 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 120 Howard Street; 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 AFFIRMS THE PROPERTY IS A PUBLIC NUISANCE; THE BOARD AFFIRMS THE NOTICE AND ORDER DATED SEPTEMBER 28, 2018; THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF FIVE HUNDRED AND FOURTEEN DOLLARS AND THIRTY-THREE CENTS (\$514.33).**

AS THE RESULT OF THE PROPERTY OWNER ABATING THE NUISANCE CONDITION THE BOARD WAIVES THE ACCUMULATED CIVIL PENALTES IN THE AMOUNT OF SIX THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$6,750) AND ORDERS THE PROPERTY OWNER PAY THE ADMINISTRATIVE HEARING COSTS IN THE AMOUNT OF FIVE HUNDRED AND FOURTEEN DOLLARS AND THIRTY-THREE CENTS (\$514.33) AND IF NOT PAID THE EXPENSE THEREOF WILL BE MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND THE PROPERTY.

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. 2019-02, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2019-02, 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

(RESOLUTION NO. 2019-02)

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 24th day of January 2019, 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:	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



INVOICE

CITY OF MODESTO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION
1010 Tenth Street, Suite 3100 • Modesto, CA • 95354
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
209.577.5232 / fax 209.571.5135

TO: JUAN PAULO TORRES
2400 SNYDER AVENUE
MODESTO, CA 95354-1323

INVOICE NO: 98300
DATE: 2/05/19

CUSTOMER NO: 58851/58851

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 01/24/19 BBA CIVIL PENALTY HEARING - 120 HOWARD STREET CODE ENFORCEMENT CASE NO. COD2018-40155	514.33	514.33

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$514.33

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 2/05/19 DUE DATE: 2/15/19
CUSTOMER NO: 58851/58851

NAME: TORRES, JUAN PAULO
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 98300
TERMS: NET 10 DAYS

AMOUNT: \$514.33