

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 14, 2019

**TO: JESUS S. ALBERTO
1609 ROUSE AVE
MODESTO, CA 95351**

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 April 25, 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 216 Maple Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-09, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-09, THE BOARD FORGOES THE PREVIOUS CIVIL PENALTIES AS ORDERED FROM THE BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-08 IN THE AMOUNT OF (SEVEN THOUSAND DOLLARS) (\$7,000.00) AND AFFIRMS THE ADMINISTRATIVE HEARING COSTS AS PREVIOUSLY ORDERED PER BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-08 IN THE AMOUNT OF NINE HUNDRED AND SIXTY-TWO DOLLARS (\$962.00).

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 14, 2019



OSCAR DIAZ
SECRETARY TO THE BOARD

OD:cp
Attachment

cc: JESUS S. ALBERTO
1609 ROUSE AVE
MODESTO, CA 95351

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-09

A RESOLUTION REGARDING THE BUILDING LOCATED AT 216 AND
216 ½ MAPLE STREET

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 of Passage of Resolution No. 2018-08 dated August 24, 2019, was mailed out to the property owner on title Jesus S. Alberto and; **PURSUANT TO RESOLUTION NO. 2018-08, THE PREMISES WAS DECLARED A PUBLIC NUISANCE AND THE BOARD AFFIRMED 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 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, JESUS S. ALBERTO.

WHEREAS, a “Board of Building Appeals Civil Penalty Hearing Notice” (update from October 25, 2018, meeting) gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on April 25, 2019, at 4:00 p.m., in the Basement Conference Room B300 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 216 Maple Street; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purposes of hearing and receiving evidence that address changes may have made it difficult for the property owner to receive notice of proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-09, THE BOARD FOREGOES THE PREVIOUS CIVIL PENALTIES AS ORDERED FROM THE BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-08 IN THE AMOUNT OF (SEVEN THOUSAND DOLLARS) (\$7,000.00) AND AFFIRMS THE ADMINISTRATIVE HEARING COSTS AS PREVIOUSLY ORDERED PER BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-08 IN THE AMOUNT OF NINE HUNDRED AND SIXTY-TWO DOLLARS (\$962.00).

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2019-09, 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 25th day of April 2019, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Bergman, Yoshino, Reid
Noes:	None.
Absent:	Dalton, Wungluck

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO.



RICK REID
BOARD OF BUILDING APPEALS

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PROOF OF SERVICE - CCP §1013(a)(3)

I am employed in the County of Stanislaus, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: 1010 10th Street, Modesto, California 95354.

On May 14, 2019, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 216 Maple St , Modesto, California; Assessor's Parcel No. 101-005-057; on all parties in said action by serving a true copy thereof as follows:

**TO: JESUS S. ALBERTO
1609 ROUSE AVENUE
MODESTO, CA 95351**

 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 pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

 X

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

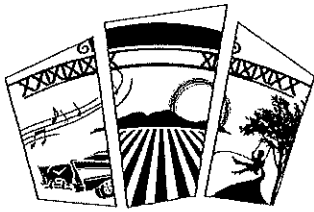
 BY PERSONAL SERVICE: I caused the within document to be hand delivered to the parties herein at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I executed this 14th day of May 2019, at Modesto, California.

COD2018-40039



Carmen Pifa
Administrative Office Assistant III



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 • 95354
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
209.577.5232 / fax 209.571.5135

TO: JESUS S ALBERTO
1609 ROUSE AVE
MODESTO, CA 95351

INVOICE NO: 101298
DATE: 5/14/19

CUSTOMER NO: 29277/29277

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS BBA HEARING - APRIL 25, 2019 RE: 216 AND 216 1/2 MAPLE STREET CODE ENFORCEMENT CASE NO. COD2018-40039 BOARD OF BUILDING APPEALS RESOLUTION NO. 2019-09 ADMINISTRATIVE FEES IN THE AMOUNT OF 962.00	962.00	962.00

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$962.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 5/14/19 DUE DATE: 5/24/19
CUSTOMER NO: 29277/29277

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: 101298
TERMS: NET 10 DAYS

AMOUNT: \$962.00