

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

JULY 1, 2014

**TO: KATHLEEN AMBOY
CAREN GAZLEY
4671 VERDUGO PLACE
SANTA BARBARA, CA 93110**

**KATHLEEN AMBOY
CAREN GAZLEY
3840 SHARON AVENUE
MODESTO, CA 95355**

**CAREN GAZLEY
PO BOX 2141
TEHACHAPI, CA 93581**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE ABANDONED AND UNSECURED FAMILY DWELLING WITH A
DETACHED ACCESSORY STRUCTURE THAT IS UNFIT FOR HUMAN
OCCUPANCY WHICH LACKS POWER, WATER, SEWER SERVICES,
AND THE ABILITY TO PROVIDE ADEQUATE HEAT ON THE
PROPERTY KNOWN AS 3840 SHARON AVENUE, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. NPU2014-00551**

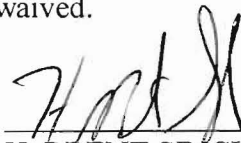
PLEASE TAKE NOTICE that on June 26, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 3840 Sharon Avenue (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-06, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-06, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY VACATING THE SINGLE-FAMILY DWELLING AND ACCESSORY STRUCTURE AND DEMOLITION OF THE SINGLE-FAMILY DWELLING AND ACCESSORY STRUCTURE WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, AS INDICATED IN RESOLUTION 2014-06, THE NUISANCE SHALL BE ABATED BY THE CITY OF MODESTO 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: July 1, 2014



H. BRENT SINCLAIR
SECRETARY TO THE BOARD

HBS:cp
Attachment

cc: KATHLEEN AMBOY
CAREN GAZLEY
4671 VERDUGO PLACE
SANTA BARBARA, CA 93110

KATHLEEN AMBOY
CAREN GAZLEY
3840 SHARON AVENUE
MODESTO, CA 95355

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PO BOX 2141
TEHACHAPI, CA 93581

City Attorney
H. Brent Sinclair, Acting Chief Building Official
Christopher Kemper, Code Enforcement Officer II
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2014-06

A RESOLUTION DECLARING THE BUILDING LOCATED AT
3840 SHARON AVENUE A PUBLIC NUISANCE AND DIRECTING THE
OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN
THIRTY (30) DAYS

WHEREAS, Caren M. Gazley and Kathleen Amboy have title to and are the recorded owners of the property located at 3840 Sharon Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 3840 Sharon Avenue consists of an abandoned and unsecured family dwelling with a detached accessory structure that is unfit for human occupancy which lacks power, water, sewer services, and the ability to provide adequate heat; 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 April 17, 2014; and

WHEREAS, a Notice and Order dated April 30, 2014, was issued by the Acting Chief Building Official and the following ordered:

1. Contact the Building Safety Division of the City of Modesto and The Building Official has determined that the single family dwelling and accessory structure must be vacated within ten (10) calendar days from the date this Notice and Order; and
2. The Building Official has determined that the single-family dwelling and the detached accessory structure must be demolished. All required permits for demolition shall be secured within sixty (60) calendar days from the date of this Notice and Order and the demolition shall be completed within thirty (30) calendar days of the date the demolition permit is issued; and
3. If you choose to not demolish the unsafe single-family dwelling and the detached accessory structure at this time, then you are required to contact the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair this structure; the enclosed Intent to Repair or Demolish Form is to be used for this purpose.

NOTE: 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. A complete set of plans prepared by a licensed architect that include an evaluation of the structure by an engineer are required before a building permit to make the necessary repairs can be obtained.

All required work shall be to the current California building, electrical, mechanical and plumbing codes. Unless this new schedule has been reviewed and approved by the Chief Building Official within seven (7) calendar days of the date of this Notice and Order, you are expected to obtain permits and physically commence the repairs within a time not to exceed thirty (30) calendar days of the date of this Notice and Order and the work must be completed and approved by the Building Safety Division within sixty (60) calendar days from the date of this Notice and Order.

WHEREAS, said Notice and Order dated April 30, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on April 30, 2014, said Notice and Order of April 30, 2014, 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 April 30, 2014, said Notice and Order of April 30, 2014, 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 June 16, 2014, a "Notice to Abate Nuisance" 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 to Abate Nuisance" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on June 26,

2014, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 3840 Sharon 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:

1. That the premises commonly referred to as 3840 Sharon Avenue, 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 abate the nuisance by the demolition of the abandoned and unsecured family dwelling with a detached accessory structure within thirty (30) days from the date of the posting of the notice of the passage of the resolution.
3. That the owner(s) of said premises has submitted the Intent to Repair or Demolish Form included in said Notice and Order of April 30, 2014, and has requested the following:
 - a. I agree with the Notice and Order that my structure(s) is/are unsafe and unfit for human occupancy and that it is not economically feasible to repair the structure(s). At present I do not have the financial resources to physically commence the demolition, obtain a permit for the demolition of the structure(s), and to obtain a permit within Sixty (60) calendar days from the date of the Notice and Order and complete all required work within Thirty (30) calendar days. I agree to waive my rights and allow the City of Modesto access onto my property for the purpose of abating the unsafe structure(s) by demolition and the removal of all the junk, trash, debris and weeds from the property. I understand that the expense thereof may be made a lien on the lot or parcel land upon which said structure(s) is/are located.
4. If the nuisance is not abated, said building(s) will be razed or removed and all junk, trash, debris and weeds removed by the City of Modesto and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

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.

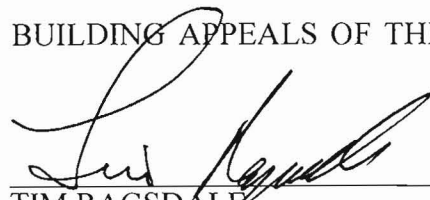
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a notice of the passage of this Resolution No. 2014-06, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-06, 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 June 2014, by Board Member Evan Yoshino, who moved its adoption, which motion being duly seconded by Board Member Jon Rodriguez, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Dalton, Reid, Rodriguez, Yoshino, and Ragsdale
Noes:	None
Absent:	None

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



TIM RAGSDALE
BOARD OF BUILDING APPEALS

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 July 1, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 3840
7 Sharon Avenue Modesto, California; Assessor's Parcel No. 085-007-008; on all parties in said action
8 by serving a true copy thereof as follows:

9 KATHLEEN AMBOY
10 CAREN GAZLEY
11 4671 VERDUGO PLACE
12 SANTA BARBARA, CA 93110

CAREN GAZLEY
P.O. BOX 2141
TEHACHAPI, CA 93581

13 KATHLEEN AMBOY
14 CAREN GAZLEY
15 3840 SHARON AVENUE
16 MODESTO, CA 95355

17 x

BY 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.

18 x

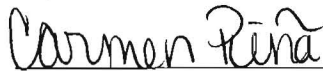
BY CERTIFIED MAIL: I deposited the sealed envelope with the postage thereon
fully prepaid to be placed in the United States Mail at Modesto, California. I am
readily familiar with the office's practice for collection and processing of
correspondence for mailing, and pursuant to those practices the envelope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

19
20 **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to
21 the parties herein at the addresses set forth above.

22
23 **BY FACSIMILE:** I sent such document by way of facsimile to the offices of the
addressee as indicated on the attached distribution list.

24
25 **BY POSTING:** I posted such document on the front door/doors of the
structure/structures of the address as indicated above.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this 1st day of July 2014, at Modesto, California.

27 

28 Carmen Piña
Administrative Office Assistant III