

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

DECEMBER 9, 2014

**TO: JON FREDERICK CHRISTIANSEN
5500 JENNINGS ROAD
MODESTO, CA 95350**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE LACK OF PROPERTY AND BUILDING MAINTENANCE AND ELECTRICAL SERVICE RESULTING IN UNSAFE CONDITIONS FOR THE OCCUPIED SECOND DWELLING UNIT IDENTIFIED AS 1101 ½ BOULDER AVENUE TO BE DEEMED AS UNFIT FOR OCCUPANCY LOCATED ON THE PROPERTY IDENTIFIED AS 1101 BOULDER AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2013-50089

PLEASE TAKE NOTICE that on December 1, 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 1101 ½ Boulder Avenue (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-14, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-14, 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 PREMISES AND SECURING THE PROPERTY WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, BY VACATING THE PREMISES AND SECURING THE PROPERTY THEN ABATEMENT 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: December 9, 2014



WILLIAM CREW
SECRETARY TO THE BOARD

WC:cp
Attachment

cc: JON FREDERICK CHRISTIANSEN
5500 JENNINGS ROAD
MODESTO, CA 95350

City Attorney
William Crew, Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
Chris Kemper, Code Enforcement Officer II
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2014-14

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1101 ½ BOULDER AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Jon Frederick Christiansen has title to and is the recorded owner of property located at 1101 ½ Boulder Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1101 ½ Boulder Avenue consists of the lack of property and building maintenance and electrical service resulting in unsafe conditions for the occupied second dwelling unit identified as 1101 ½ Boulder Avenue to be deemed as unfit for occupancy located on the property identified as 1101 Boulder Avenue, Modesto, California; 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 22, 2013; and

WHEREAS, a Notice and Order dated June 18, 2014, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and remove your current tenants from the second dwelling unit, identified as 1101 ½ Boulder Avenue, within thirty (30) calendar days of the date of this Notice and Order; and secure the second dwelling unit identified as 1101 ½ Boulder Avenue from unauthorized entry by boarding up all points of entry, per the enclosed City of Modesto Board Up Specifications, within thirty (30) calendar days of the date of this Notice and Order; and remove all the overgrown weeds, vegetation, junk, furniture and piles of personal items from the alley, front, rear, and side yards within thirty (30) calendar days of the date of this Notice and Order; and if you intend to bring this structure into compliance with the Modesto Municipal Code, 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. 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. This schedule must be approved by the Building Official before this option will be considered; and

WHEREAS, said Notice and Order dated June 18, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on June 18, 2014, said Notice and Order of June 18, 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 June 18, 2014, said Notice and Order of June 18, 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 November 20, 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 December 1, 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 1101 ½ Boulder 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. Affirm the Notice and Order by Acting Chief Building Official dated June 18, 2014.
2. That the premises commonly referred to as 1101 ½ Boulder Avenue, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance and unfit for human occupancy.
3. That the owner(s) of said premises are hereby directed and ordered to abate the nuisance by vacating and securing the property from entry

within thirty (30) days from the date of the posting of the Notice of the Passage of the Resolution.

4. The matter of civil penalties will be reviewed at the Board of Building Appeals Meeting on February 26, 2015.

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. 2014-14, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-14, 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 1st day of December 2014, by Board Member, Reid, who moved its adoption, which motion being duly seconded by Board Member Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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



TIM RAGSDALE
BOARD OF BUILDING APPEALS



NOTIFICATION OF ABATEMENT ACTION

December 9, 2014

CERTIFIED – RETURN RECEIPT REQUESTED

Jon Frederick Christiansen
5500 Jennings Road
Modesto, CA 95350

ABATEMENT ACTION BY THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO FOR 1101 ½ BOULDER AVENUE, MODESTO, CALIFORNIA; TAX ASSESSOR'S PARCEL NO. 038-036-032; LEGAL DESCRIPTION: LOT 1 IN BLOCK 3285 OF SOUTH MODESTO ACRES TRACT NO.2, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA ON JANUARY 9, 1940 IN VOLUME 11 OF MAPS AT PAGE 69; CODE ENFORCEMENT CASE NO. COD2013-50089

On December 9, 2014, Resolution No. 2014-14 was issued for building safety conditions at 1101 ½ Boulder Avenue, Modesto, California, which have caused the property to be deemed as unfit for occupancy. As the owner of the property, you are required to correct the violations causing these conditions by removing the tenants and securing the premises within thirty (30) calendar days of the date of the RESOLUTION.

1. A 30-DAY NOTICE TO VACATE and NOTICE OF INTENT TO ENTER PURSUANT TO ABATEMENT OF PUBLIC NUISANCE were each posted at the front door of this structure on December 9, 2014.
 - a. The 30-DAY NOTICE TO VACATE requires anyone living on the property to leave within thirty (30) days of its posting and prohibits anyone from living at the property until the Building Safety Division of the City of Modesto declares the property fit for occupancy.
 - b. The NOTICE OF INTENT TO ENTER PURSUANT TO ABATEMENT OF PUBLIC NUISANCE states that the City of Modesto will enter 1101 ½ Boulder Avenue, Modesto, California for the purpose of abating a public nuisance by EVICTION OF ALL TENANTS from the structure and SECURING the property from entry by January 9, 2015.

Jon Frederick Christiansen
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December 9, 2014

The Building Safety Division of the City of Modesto expects you to complete the eviction of all tenants, secure the structure, and clean-up the property by Friday, January 9, 2015. Your failure to comply on this date will result in the Building Safety Division proceeding to cause the property to be secured and all violations abated by City personnel or a private contractor and the assessment of civil penalties.

Please be aware that per Section 4-12.502 of the Modesto Municipal Code that any tenant who is displaced from any residential unit as a result of an Order to vacate due to unsafe or hazardous living conditions, issued by an authorized City Official, shall be entitled to receive relocation benefits from the owner as specified in this article.

If you have any questions regarding this letter, feel free to call me at (209) 571-5810. If I am out of the office at the time of your call, leave a message on my voice mail and I will return your call as quickly as possible.



CHRIS KEMPER, CODE ENFORCEMENT OFFICER II

CK:cp

cc: Jon Frederick Christiansen (First-Class Mail)
5500 Jennings Road
Modesto, CA 95350
File

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,
California 95354.

5 On December 9, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION
6 AND NOTIFICATION OF ABATEMENT ACTION for 1101 ½ Boulder Avenue, Modesto,
7 California; Assessor's Parcel No. 038-036-032-000; on all parties in said action by serving a true
copy thereof as follows:

8 JON FREDERICK CHRISTIANSEN
9 5500 JENNINGS ROAD
10 MODESTO, CA 95350

11 X

BY MAIL: I deposited the sealed envelope with the postage thereon fully prepaid to
12 be placed in the United States Mail at Modesto, California. I am readily familiar with
13 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
14 Postal Service the same day.

15 X

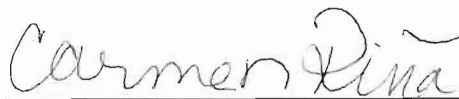
BY CERTIFIED MAIL: I deposited the sealed envelope with the postage thereon
16 fully prepaid to be placed in the United States Mail at Modesto, California. I am
17 readily familiar with the office's practice for collection and processing of
correspondence for mailing, and pursuant to those practices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

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

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

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

24
25 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this 9th day of December 2014, at Modesto, California.

26
27 

28 Carmen Piña
Administrative Office Assistant III