

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 MODIFICATION OF RESOLUTION

DECEMBER 9, 2014

**TO: MIKAEL HOGUE
3424 EAST REDWOOD AVENUE
CERES, CA 95307**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE UNSAFE, FIRE-DAMAGED, AND UNLAWFUL SINGLE-FAMILY DWELLING WITH ATTACHED GARAGE CAUSED BY THE EXPIRATION OF BUILDING PERMIT NO. BLD2006-02458 FOR FAILURE TO CALL FOR THE REQUIRED INSPECTIONS AND OBTAIN FINAL APPROVAL BY THE BUILDING PERMIT DIVISION OF THE STANISLAUS COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FOR AN ADDITION OF MASTER BEDROOM/BATHROOM, ATTACHED GARAGE, AND REMODEL OF EXISTING DWELLING LOCATED AT 1113 BOULDER AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2014-60074

PLEASE TAKE 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: MIKAEL HOGUE
3424 EAST REDWOOD AVENUE
CERES, CA 95307

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. 2014-09

A MODIFICATION TO RESOLUTION NO. 2014-09

WHEREAS, the Board on August 28, 2014, by Resolution No. 2014-09 ordered the owner of the property located at 1113 Boulder Avenue to abate the nuisance by demolition and cleanup of the property within thirty (30) days of said resolution and;

WHEREAS, a request by letter to the Board of Building Appeals from Mikael Hogue be added to the agenda of the Board of Building Appeals Meeting of December 1, 2014, to discuss the approved Resolution No. 2014-09 of August 28, 2014, and;

WHEREAS, a public hearing was held by the Board of Building Appeals on December 1, 2014, in Conference Room 2005, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals it finds and determines as follows:

1. Modify Resolution No. 2014-09 dated September 4, 2014, to include the current owner of the property Mr. Mikael Hogue.
2. Extend the sixty (60) day implementation date of the abatement process ordered by the original Resolution No. 2014-09 dated September 4, 2014, to be extended to April 23, 2015.

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.

BE IT FURTHER RESOLVED:

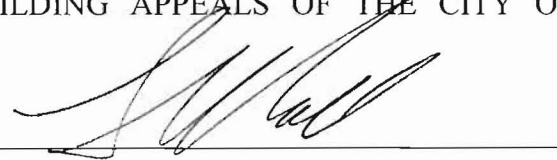
1. Failure to comply with the modification dates of the Resolution shall cause the City of Modesto to be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or any extension thereof granted by the Board of Building 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.

The foregoing matter was introduced at the special meeting of the Board of Building Appeals of the City of Modesto held on the 1st day of December 2014, by Board Member Tim Ragsdale who moved its adoption, which motion being duly seconded by Board Member Rick Reid was upon roll call carried in the resolution adopted by the following vote:

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

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



TIM RAGSDALE
BOARD OF BUILDING APPEALS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 December 9, 2014, I served a copy of the NOTICE OF MODIFICATION OF RESOLUTION for 1113 Boulder Avenue, Modesto, California; Assessor's Parcel No. 038-036-028-000; on all parties in said action by serving a true copy thereof as follows:

MIKAEL HOGUE
3424 EAST REDWOOD AVENUE
CERES, CA 95307

 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.

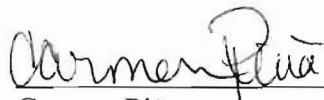
 X

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.

 BY POSTING: I posted such document on the front door/doors of the structure/structures 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 9th day of December 2014, at Modesto, California.



Carmen Piña
Administrative Office Assistant III