

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
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NOTICE OF PASSAGE OF RESOLUTION

JANUARY 29, 2015

**TO: FEDERAL NATIONAL MORTGAGE ASSOCIATION
C/O WELLS FARGO HOME MORTGAGE
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

**FEDERAL NATIONAL MORTGAGE ASSOCIATION
1900 MARKET STREET, SUITE 800
PHILADELPHIA, PA 19103**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE ABANDONED AND UNSAFE SINGLE-FAMILY DWELLING AND
FREESTANDING CARPORT DESTROYED BY FIRE LOCATED ON
2.4 ACRES WITHIN THE FLOODPLAIN OF THE TUOLUMNE RIVER
WITH THE ADDRESS OF 1501 WEST HATCH ROAD, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. NPU2013-00955**

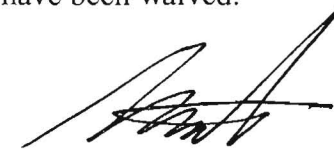
PLEASE TAKE NOTICE that on January 22, 2015, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 1501 West Hatch Road (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2015-02, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2015-02, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE AND OBTAIN A DEMOLITION PERMIT FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO FOR THE DEMOLITION OF THE SINGLE-FAMILY DWELLING AND FREESTANDING CARPORT DESTROYED BY FIRE, AND COMPLETE THE REMOVAL OF ALL FIRE DEBRIS, PERSONAL ITEMS, TRASH, HOMELESS CAMPS, AND THEIR STRUCTURES, WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, THEN DEMOLITION AND ABATEMENT SHALL BE COMPLETED 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: January 29, 2015



WILLIAM CREW
SECRETARY TO THE BOARD

WC:cp
Attachment

cc: FEDERAL NATIONAL MORTGAGE ASSOCIATION
C/O WELLS FARGO HOME MORTGAGE
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

FEDERAL NATIONAL MORTGAGE ASSOCIATION
1900 MARKET STREET, SUITE 800
PHILADELPHIA, PA 19103

City Attorney
William Crew, Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2015-02

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1501 WEST HATCH ROAD A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Federal National Mortgage Association C/O Wells Fargo Home Mortgage has title to and is the recorded owner of property located at 1501 West Hatch Road in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises located at 1501 West Hatch Road consists of the abandoned and unsafe single-family dwelling and freestanding carport destroyed by fire located on 2.4 acres within the floodplain of the Tuolumne River; 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 August 8, 2014; and

WHEREAS, a Notice and Order dated September 4, 2014, was issued and ordered by the Chief Building Official to contact the Building Safety Division of the City of Modesto and obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the single-family dwelling and freestanding carport destroyed by fire, and complete the removal of all fire debris, personal items, trash, homeless camps, and their structures, within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated September 4, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 4, 2014, said Notice and Order of September 4, 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 September 4, 2014, said Notice and Order of September 4, 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 January 12, 2015, 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 January 22, 2015, 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 1501 West Hatch Road; 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 1501 West Hatch Road, hereinafter referred to collectively as the “premises,” be hereby declared a public nuisance.
2. The Board affirms said Notice and Order dated September 4, 2014, and directs the owner of the property to abate the nuisance by demolition and cleanup of the abandoned and unsafe single-family dwelling and freestanding carport destroyed by fire located on 2.4 acres of the floodplain of the Tuolumne River within thirty (30) days of the date of this resolution.

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. 2015-02, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2015-02, 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 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 22nd day of January 2015, by Board Member Richard Dalton 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, and Yoshino
Noes:	None
Absent:	None

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



RICK REID
BOARD OF BUILDING APPEALS

1 **PROOF OF SERVICE - CCP §1013(a)(3)**

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

5 On January 29, 2015, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 1501 West Hatch Road, Modesto, California; Assessor's Parcel No. 056-025-012; on all parties in
7 said action by serving a true copy thereof as follows:

8 FEDERAL NATIONAL MORTGAGE ASSOCIATION
9 C/O WELLS FARGO HOME MORTGAGE
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

10 FEDERAL NATIONAL MORTGAGE ASSOCIATION
11 1900 MARKET ST, STE 800
PHILADELPHIA, PA 19103

12
13 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to
14 be placed in the United States Mail at Modesto, California. I am readily familiar with
15 the office's practice for collection and processing of correspondence for mailing, and
16 pursuant to those practices the envelope would be deposited with the United States
Postal Service the same day.

17 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
18 fully prepaid to be placed in the United States Mail at Modesto, California. I am
19 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.

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

24 **BY POSTING:** I posted such document on the front door/doors of the
25 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
27 is true and correct. Executed this 29th day of January 2015, at Modesto, California.

28 Carmen Piña
CARMEN PIÑA
ADMINISTRATIVE OFFICE ASSISTANT III