

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

MARCH 10, 2015

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

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE VACANT, UNSECURE, AND ILLEGAL BUILDING WITH A LACK OF PROPERTY MAINTENANCE DEEMED UNFIT FOR OCCUPANCY ON THE PROPERTY KNOWN AS 1101 ½ BOULDER AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2013-50089

PLEASE TAKE NOTICE that on February 26, 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 1101 ½ Boulder Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2015-03, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2015-03, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY DEMOLITION AND CLEAN UP OF THE PROPERTY WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, 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: March 10, 2015



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. 2015-03

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 located at 1101 ½ Boulder Avenue consists of the vacant, unsecure, and illegal building with a lack of property maintenance deemed unfit for occupancy on the property known as 1101 ½ Boulder Avenue; 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 June 16, 2014; 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 ordered the following:

NOTE: This property and structure have been deemed unsafe and unfit for occupancy by the Building Safety Division of the City of Modesto. As a result, a thirty (30) day notice to vacate will be posted on the property along with this Notice and Order. If you intend to take the necessary actions to make your property safe you have only to do the following:

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. You shall secure the dwelling unit from unauthorized entry by boarding up all points of entry, per the enclosed City of Modesto Board Up Specifications; remove all 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.

If you intend to take the necessary actions to make the second dwelling unit safe and fit for occupancy you have only to do the following:

If you want to bring this structure into compliance with the Modesto Municipal code at this time, then you are required to return the enclosed Intent to Repair or Demolish Form to the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair these structures. 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, including an evaluation of this 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.

If you intend to do the above you are still required to secure the dwelling unit from unauthorized entry by boarding up all points of entry, per the enclosed City of Modesto Board Up Specifications; remove all 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

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 February 13, 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 February 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 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. That the premises commonly referred to as 1101 ½ Boulder Avenue, hereinafter referred to collectively as the “premises,” be hereby declared a public nuisance.
2. The Board confirms and approves the assessment of Civil Penalties in the amount of Thirty Five Thousand Dollars (\$35,000.00) as stated in the Notice and Order dated June 18, 2014; which accrued from August 13, 2014; through February 26, 2015; December 9, 2014; through February 26, 2015; and January 9, 2014; through February 26, 2015; totaling Three Hundred Fifty (350) days at a rate of One Hundred Dollars (\$100.00) per day.
3. That the owner(s) of said premises are hereby directed and ordered to abate the vacant, unsecure, and illegal building with a lack of property maintenance deemed unfit for occupancy by demolition and clean up on the property known as 1101 ½ Boulder Avenue within thirty (30) days from the date of the posting of the notice of the Passage of the Resolution.
4. The City of Modesto will continue to monitor the property on a daily basis and summarily board up and secure the property as necessary.
 - a) Following the failure of the owner to comply with any of the above items in this Resolution within thirty (30) days of its posting, the Building Official is directed to cause the demolition of the vacant, unsafe, illegal building and the removal of all junk, trash, debris and weeds.
5. 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. 2015-03, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2015-03, 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 February 2015, by Board Member Dalton, who moved its adoption, which motion being duly seconded by Board Member Wungluck, was upon roll call carried in the resolution adopted by the following vote:

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

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
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 March 10, 2015, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 1101 ½ Boulder Avenue, Modesto, California; Assessor's Parcel No. 038-036-032-000; on all parties
in said action by serving a true copy thereof as follows:

7
8 JON FREDERICK CHRISTIANSEN
5500 JENNINGS ROAD
9 MODESTO, CA 95350

10 X

11 **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
Postal Service the same day.

14 X

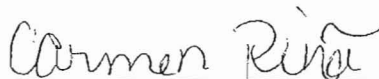
15 **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
16 fully prepaid to be placed in the United States Mail at Modesto, California. I am
17 readily familiar with the office's practice for collection and processing of
correspondence for mailing, and pursuant to those practices 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
the parties herein at the addresses set forth above.

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

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

23
24 I declare under penalty of perjury under the laws of the State of California that the foregoing
25 is true and correct. Executed this 10th day of March 2015, at Modesto, California.

26 

27 Carmen Piña
28 Administrative Office Assistant III