

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
P.O. Box 642  
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Modesto, California 95353



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# **NOTICE OF PASSAGE OF RESOLUTION**

**APRIL 3, 2015**

**TO: RT FINANCIAL INC  
2908 EAST WHITMORE AVENUE, #H-216  
CERES, CA 95307**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE FIRE REPAIRS BEGUN WITHOUT FIRST OBTAINING THE REQUIRED BUILDING PERMIT FOR THE SINGLE-FAMILY DWELLING AND THE FAILURE TO CONNECT DWELLING UNIT NOS. 250, 250½, AND 254 RUE DE YOE STREET TO CITY OF MODESTO SEWER AT AN APPROVED LOCATION RESULTING IN THE THREE (3) DWELLING UNITS DEEMED UNSAFE AND UNFIT FOR OCCUPANCY LOCATED ON THE PROPERTY IDENTIFIED AS 250 RUE DE YOE STREET, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2015-70006**

PLEASE TAKE NOTICE that on March 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 250 Rue De Yoe Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2015-04, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2015-04, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY OBTAINING THE PROPER PERMITS WITHIN THIRTY (30) DAYS; COMMENCING WORK WITHIN**

**FORTY-FIVE (45) DAYS; AND COMPLETION OF THE WORK AND FINAL APPROVAL FROM THE CITY OF MODESTO BUILDING SAFETY DIVISION WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.**

**IF THE NUISANCE IS NOT ABATED, THE CITY WILL PROCEED WITH THE ABATEMENT 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: April 3, 2015



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WILLIAM CREW  
SECRETARY TO THE BOARD

WC:cp  
Attachment

cc: RT FINANCIAL INC  
2908 EAST WHITMORE AVENUE, #H-216  
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. 2015-04

A RESOLUTION DECLARING THE BUILDING LOCATED AT 250 RUE DE  
YOE STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF  
THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, RT Financial Inc. has title to and is the recorded owner of property located at 250 Rue De Yoe Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises;" and

WHEREAS, the premises at 250 Rue De Yoe Street consists of the fire repairs begun without first obtaining the required building permit for the single-family dwelling and the failure to connect dwelling unit nos. 250, 250½, and 254 Rue De Yoe Street to City of Modesto sewer at an approved location resulting in the three (3) dwelling units deemed unsafe and unfit for occupancy; 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 December 18, 2014; and

WHEREAS, a Notice and Order dated January 22, 2015, was issued by the Chief Building Official and ordered you contact the Building Safety Division of the City of Modesto and Contact the Land Development Engineering Division of the Community and Economic Development Department of the City of Modesto and obtain the required WTS and Encroachment Permits for connection to the City of Modesto sewer within thirty (30) calendar days of the date of this Notice and Order. If you want to bring the structure identified as 250 Rue De Yoe Street 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 this structure. 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, is 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; and

WHEREAS, said Notice and Order dated January 22, 2015, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on January 22, 2015, said Notice and Order of January 22, 2015, 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 January 22, 2015, said Notice and Order of January 22, 2015, 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 March 16, 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 March 26, 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 250 Rue De Yoe Street; 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 250 Rue De Yoe Street, 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 obtaining the proper permits within thirty (30) days; commencing physical work within forty-five (45) days; and completion of the work and final approval from the City of Modesto Building Safety

Division within one hundred twenty (120) days of the date this notice is posted on the premises.

- a) Following the failure of the owner to comply with any of the above items in this Resolution shall cause this matter to be heard at the next Board of Building Appeals Meeting to determine civil penalties.

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. 2015-04, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2015-04, 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 March 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, Rodriguez, and Yoshino
Noes:	None
Absent:	Reid, Wungluck

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



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EVAN YOSHINO  
BOARD OF BUILDING APPEALS

