

**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**

**MAY 10, 2017**

**TO: PATRICIA D. CALLES  
25166 KAY AVENUE  
HAYWARD, CA 94545**

**OCWEN LOAN SERVICING LLC  
1100 VIRGINIA DRIVE, SUITE 175  
FORT WASHINGTON, PA 19034**

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

**RE: THE DUPLEX DESTROYED BY A FIRE FOLLOWING AN EXPLOSION  
IN DWELLING UNIT NO. 159 LOCATED AT 161 DRAKE AVENUE,  
MODESTO, CALIFORNIA; CITY OF MODESTO CASE NO. COD2016-  
80044**

PLEASE TAKE NOTICE that on April 27, 2017, 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 161 Drake Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2017-03, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION  
NO. 2017-03, THE NOTICE AND ORDER DATED NOVEMBER 4, 2016, SHALL  
BE MODIFIED AND THE PROPERTY OWNER ORDERED AS FOLLOWS:**

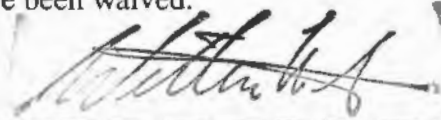
- 1. MAINTAIN THE SECURITY OF THE PROPERTY; AND**
- 2. SUBMIT A CONSTRUCTION SCHEDULE BY MAY 15, 2017.**

**FURTHERMORE, IF ANY OF THE ITEMS IN THE MODIFIED NOTICE AND ORDER OF APRIL 27, 2017, ARE NOT MET, INCLUDING THE CONSTRUCTION SCHEDULE DEADLINE OF MAY 15, 2017, THE ORIGINAL NOTICE AND ORDER DATED NOVEMBER 4, 2016, SHALL BE REINSTATED AND THE CASE WILL BE HEARD BEFORE THE NEXT SCHEDULED MEETING OF THE BOARD OF BUILDING APPEALS.**

**IF THE NUISANCE IS NOT ABATED, THE CITY OF MODESTO SHALL PROCEED WITH ADMINISTRATIVE 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: MAY 10, 2017



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WILLIAM CREW  
SECRETARY TO THE BOARD

WC:cp  
Attachment

cc: PATRICIA D. CALLES  
25166 KAY AVENUE  
HAYWARD, CA 94545

OCWEN LOAN SERVICING LLC  
1100 VIRGINIA DRIVE, SUITE 175  
FORT WASHINGTON, PA 19034

City Attorney  
William Crew, Chief Building Official  
Tom Trimberger, Assistant Chief Building Official  
Chris Kemper, Neighborhood Preservation Supervisor  
Bert Lippert, Building Safety Program Coordinator  
Oscar Diaz, Building Safety Program Coordinator  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2017-03

A RESOLUTION DECLARING THE BUILDING LOCATED AT 161 DRAKE AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Patricia D. Calles and Ocwen Loan Servicing has title to and is the recorded owner of property located at 161 Drake Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 161 Drake Avenue consists of the duplex destroyed by a fire following an explosion in Dwelling Unit No. 159; 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 9, 2016; and

WHEREAS, a Notice and Order dated November 4, 2016, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following ordered:

**NOTE: THIS PROPERTY AND DUPLEX HAVE BEEN DEEMED UNSAFE AND A PUBLIC NUISANCE BY THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO. IF YOU INTEND TO TAKE THE NECESSARY ACTIONS TO MAKE YOUR PROPERTY SAFE YOU HAVE ONLY TO DO THE FOLLOWING: YOU SHALL OBTAIN A DEMOLITION PERMIT FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO FOR THE DEMOLITION OF THE REMAINING DUPLEX, PHYSICALLY COMMENCE THE DEMOLITION, AND OBTAIN FINAL APPROVAL FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE OF THIS NOTICE AND ORDER.**

**IF YOU INTEND TO TAKE THE NECESSARY ACTIONS TO MAKE THIS PROPERTY AND DUPLEX FIT FOR OCCUPANCY YOU HAVE ONLY TO DO THE FOLLOWING:**

**IF YOU INTEND TO BRING THE DUPLEX INTO COMPLIANCE WITH THE MODESTO MUNICIPAL CODE, YOU ARE REQUIRED WITHIN SEVEN (7) CALENDAR DAYS OF THE DATE OF THIS NOTICE AND ORDER TO CONTACT WILLIAM CREW, CHIEF BUILDING OFFICIAL OF THE CITY OF MODESTO, TO SCHEDULE A MEETING TO STATE YOUR INTENT TO REPAIR OR DEMOLISH 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 START OF CONSTRUCTION AND PROGRESS DATES. THIS SCHEDULE MUST BE APPROVED BY THE BUILDING OFFICIAL BEFORE THIS OPTION WILL BE CONSIDERED. FOLLOWING APPROVAL BY THE CHIEF BUILDING OFFICIAL OF THE CONSTRUCTION SCHEDULE, YOU ARE REQUIRED TO MEET THE AGREED UPON DATES FOR START OF CONSTRUCTION, PROGRESS DATES, AND FINAL INSPECTION APPROVAL. 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; and**

WHEREAS, said Notice and Order dated November 4, 2016, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on November 4, 2016, said Notice and Order of November 4, 2016, 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 November 4, 2016, said Notice and Order of November 4, 2016, 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 April 17, 2017, 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 April 27,

2017, at 4:00 p.m., in the Second Floor Conference Room 2008 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 161 Drake 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:

That the premises commonly referred to as 161 Drake Avenue, hereinafter referred to collectively as the “premises,” be hereby declared a public nuisance.

1. The Notice and Order dated November 4, 2016, shall be modified; and
2. The owner is to maintain the security of the property; and
3. The owner is to submit a construction schedule by May 15, 2017; and

FURTHERMORE, if any of the items in the modified Notice and Order of April 27, 2017, are not met including the construction schedule deadline of May 15, 2017, the original Notice and Order dated November 4, 2016, shall be reinstated and the case will be heard before the next scheduled meeting of the Board of Building Appeals.

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.

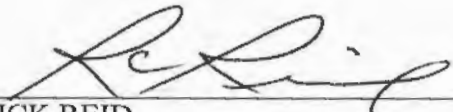
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2017-03, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-03, 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 27th day of April 2017, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded by Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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

  
\_\_\_\_\_  
RICK REID  
BOARD OF BUILDING APPEALS





7016 2140 0000 2058 1245

U.S. Postal Service™ **PASS. OF RESD.**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**014210 N140 (BKU) N140**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

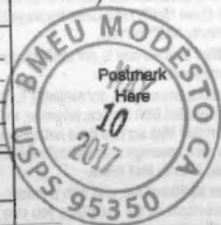
Sent To

Street and A

City, State, Z

PS Form 38

**COD2016-80044**  
**PATRICIA CALLES**  
**25166 KAY AVE**  
**HAYWARD CA 94545**



See Reverse for Instructions

2521 8502 0000 2058 1252

U.S. Postal Service™ **PASS. OF RESD.**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**014210 N140 (BKU) N140**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

\$

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\$

**COD2016-80044**  
**OCWEN LOAN SERVICING, LLC**  
**1100 VIRGINIA DRIVE, SUITE 175**  
**FORT WASHINGTON PA 19034-3204**



See Reverse for Instructions

PASS. OF RESD.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COD2016-80044  
 OCWEN LOAN SERVICING, LLC  
 1100 VIRGINIA DRIVE, SUITE 175  
 FORT WASHINGTON PA 19034-3204



9590 9403 0406 5183 2221 36

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1252

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 PETER COOPER 5-15-17

D. Is delivery address different from item 1?  Yes  
 if YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Mail Restricted Delivery (30)

PASS. OF RESO. 14210

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

COD2016-80044  
 PATRICIA CALLES  
 25166 KAY AVE  
 HAYWARD CA 94545



9590 9403 0406 5163 2223 65

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1245

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

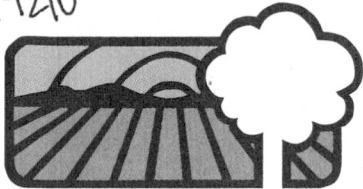
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

MFO (BKL)

14210



**CITY of MODESTO**

P.O. Box 642, Modesto, CA 95353

RETURN SERVICE REQUESTED

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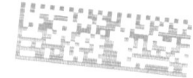
**CERTIFIED MAIL**



7016 2140 0000 2058 1245

neopost<sup>SM</sup>  
05/10/2017  
**US POSTAGE \$006.56<sup>0</sup>**

FIRST-CLASS MAIL



ZIP 95354  
041L12203121

*NOT*  
*5-13-17*

COD2016-80044  
PATRICIA CALLES  
25166 KAY AVE

NIXIE 957 SE 1 0207/17/17

RETURN TO SENDER  
IN DISPUTE  
UNABLE TO FORWARD

BC: 95353064242 \*0341-05375-10-43

