

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

AUGUST 4, 2017

**TO: STEPHEN J. AND NOMA J. ARAKELIAN
1117 YOSEMITE STREET
TURLOCK, CA 95380**

**WELLS FARGO BANK NA
100 WEST WASHINGTON STREET
PHOENIX, AZ 85003**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE LACK OF BUILDING MAINTENANCE TO THE EXTERIOR AND
INTERIOR CORRIDOR OF THE APARTMENT BUILDING LOCATED
ON THE PROPERTY IDENTIFIED AS 624 9TH STREET, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT
CASE NO. COD2017-90026**

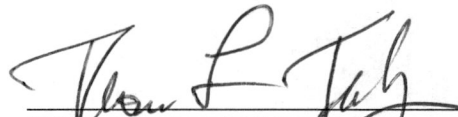
PLEASE TAKE NOTICE that on July 27, 2017, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 624 9th Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2017-05, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION
NO. 2017-05, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE
AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED TO PAY
CIVIL PENALTIES IN THE AMOUNT OF SIXTY THOUSAND DOLLARS
(\$60,000) AND HEARING COSTS IN THE AMOUNT OF EIGHT HUNDRED
EIGHT DOLLARS AND FIFTY-TWO CENTS (\$808.52).**

IF THE OWNER DOES NOT COMPLY WITH RESOLUTION NO. 2017-05 AS ORDERED BY THE BOARD OF BUILDING APPEALS THE CITY OF MODESTO WILL PROCEED WITH AN ADMINSTRATIVE HEARING 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: AUGUST 4, 2017


THOMAS L. TRIMBERGER
SECRETARY TO THE BOARD

TLT:cp
Attachment
Enclosure: City of Modesto Invoice

cc: STEPHEN J. AND NOMA J. ARAKELIAN
1117 YOSEMITE STREET
TURLOCK, CA 95380

WELLS FARGO BANK NA
100 WEST WASHINGTON STREET
PHOENIX, AZ 85003

City Attorney
Thomas L. Trimberger, Chief Building Official
Bert Lippert, Building Safety Program Coordinator
Chris Kemper, Neighborhood Preservation Supervisor
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2017-05

A RESOLUTION DECLARING THE BUILDING LOCATED AT 624 9TH STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO PAY CIVIL PENALTIES IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000) AND HEARING COSTS IN THE AMOUNT OF EIGHT HUNDRED EIGHT DOLLARS AND FIFTY-TWO CENTS (\$808.52)

WHEREAS, Stephen J. Arakelian and Noma J. Arakelian have title to and are the recorded owners of property located at 624 9th Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 624 9th Street consists of the lack of building maintenance to the exterior and interior corridor of the apartment building; 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 May 9, 2017; and

WHEREAS, a Notice and Order dated May 18, 2017, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and

1. **Within ten (10) calendar days of the date of this Notice and Order, at a reasonable time, provide access for City Officials to inspect the entire property and structure for possible violations of the health, fire, plumbing, electrical, mechanical, and residential codes. Please call Bert Lippert, Building Safety Program Coordinator (209) 571-5810 to arrange this inspection; and**
2. **Provide a report(s) from a licensed contractor indicating the electrical, mechanical, and plumbing systems are in good working order within thirty (30) calendar days of the date of this Notice and Order; and .**
3. **You have thirty (30) calendar days from the date of this Notice and Order to obtain the required plumbing, electrical, mechanical, and building permits for the fire and maintenance repairs found as a result of inspections and contractor reports to correct the conditions noted in Appendix A and any additional found following the required inspection of each unit. NOTE: all work must be performed by a State of California licensed contractor; and**
4. **You have thirty (30) calendar days from the date of this Notice and Order to physically commence the required repairs; and**

5. **You have sixty (60) calendar days from the date of this Notice and Order to complete all repairs and obtain final inspection approval from the Building Safety Division of the City of Modesto; and**
6. **Provide access for periodic inspection for the 24 month period starting thirty (30) calendar from the date of this Notice and Order; and**
7. **Provide the Modesto Police Department an action plan that will discourage all criminal and nuisance creating behaviors at the above referenced location within ten (10) calendar days of the date of this Notice and Order.**

YOU ARE FURTHER NOTIFIED that, if any work which is required in order to satisfy this Order has not been completed within the time specified above, the Building Safety Division of the City of Modesto may proceed to cause the property to be secured and all violations abated by City personnel or a private contractor. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Building Safety Division. The Building Safety Division shall schedule a confirmation of costs hearing before an administrative hearing officer or the Board of Building Appeals unless waived in writing by all responsible parties. All administrative and actual costs incurred by the City in abating the violations may be assessed and recovered against the responsible party pursuant to the provisions set forth in Sections 1-6.303 and 1-6.701 of the Modesto Municipal Code; and

WHEREAS, said Notice and Order dated May 18, 2017, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on May 18, 2017, said Notice and Order of May 18, 2017, 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 May 18, 2017, said Notice and Order of May 18, 2017, 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 July 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 May 27, 2017, at 4:00 p.m., in the Third Floor Conference Room 3772 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 624 9th 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 624 9th Street, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. Uphold the Notice and Order dated May 18, 2017.
3. Approve civil penalties in the amount of SIXTY THOUSAND DOLLARS (\$60,000) and hearing costs of EIGHT HUNDRED EIGHT DOLLARS AND FIFTY-TWO CENTS (\$808.52) as stated in the cost report under Exhibit B of the civil penalty hearing packet.

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. 2017-05, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-05, 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 July 2017, 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, Wungluck, Yoshino, Reid
Noes:	None
Absent:	None

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



RICK REID
BOARD OF BUILDING APPEALS



INVOICE

CITY OF
MODESTO
CALIFORNIA

CITY OF MODESTO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION
1010 Tenth Street, Suite 3100 • Modesto, CA • 95358
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
209.577.5232 / fax 209.571.5135

TO: STEPHEN AND NOMA J ARAKELIAN
1117 YOSEMITE STREET
TURLOCK, CA 95380

INVOICE NO: 84502
DATE: 8/04/17

CUSTOMER NO: 55269/55269

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 07/27/2017 BBA CIVIL PENALTY HEARING - 624 9TH STREET CODE ENFORCEMENT CASE NO. COD2017-90026	808.52	808.52
1.00	CIVIL PENALTIES 624 9TH STREET - COD2017-90026 PER NOTICE & ORDER DATED MAY 18, 2017 - 60 DAYS AT \$1,000 PER DAY	60,000.00	60,000.00

PAY YOUR BILL ONLINE AT WWW.MODESTOGOV.COM

TOTAL DUE: \$60,808.52

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/04/17 DUE DATE: 8/14/17
CUSTOMER NO: 55269/55269

NAME: ARAKELIAN, STEPHEN AND NOMA J
TYPE: NP - NEIGHBORHD PRESERVATN

REMIT AND MAKE CHECK PAYABLE TO:
CITY OF MODESTO
PO BOX 3441
1010 TENTH STREET
MODESTO CA 95353

INVOICE NO: 84502
TERMS: NET 10 DAYS

AMOUNT: \$60,808.52

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 August 4, 2017, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 624 9TH ST., Modesto, California; Assessor's Parcel No. 106-043-010; on all parties in said action by
7 serving a true copy thereof as follows:

8 STEPHEN J. AND NOMA J. ARAKELIAN
9 1117 YOSEMITE STREET
TURLOCK, CA 95380

10 WELLS FARGO BANK NA
11 100 WEST WASHINGTON STREET
PHOENIX, AZ 85003

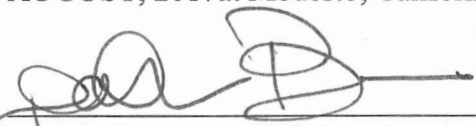
12 RE: 624 9TH ST
13 MODESTO CA 95354
14 APN: 106-043-010

15
16 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to
17 be placed in the United States Mail at Modesto, California. I am readily familiar with
18 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.

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

23
24 **BY POSTING:** I posted such document on the front door/doors of the
structure/structures of the address as indicated above.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct. Executed this 4TH day of AUGUST, 2017 at Modesto, California.

27
28 
Patricia Becerra, Administrative Assistant II