

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: CHESTER SCOGGINS
CHLOE ANN SCOGGINS
1833 IDALOU AVENUE
MODESTO, CA 95350**

**CITY OF MODESTO HOUSING PROGRAM OFFICE
C/O AARON FARNON
P. O. BOX 642
MODESTO, CALIFORNIA 95353**

**ALL PRO BAIL BONDS
1200 H STREET
MODESTO, CA 95351**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: NUISANCE CONDITIONS CAUSED BY THE USE OF UTILITY
STRUCTURES, SHACKS, AND ENCLOSURES IN REAR YARD AS
HABITABLE LIVING SPACE AND LIVING IN THE SINGLE-FAMILY
DWELLING WITHOUT UTILITIES ON THE PROPERTY LOCATED AT
1833 IDALOU AVENUE, MODESTO, CALIFORNIA; CITY OF
MODESTO CODE ENFORCEMENT CASE NO. COD2017-90064**

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 1833 Idalou Avenue (hereinafter referred to


collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2017-06, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2017-06, THE BOARD AFFIRMS THE NOTICE AND ORDER DATED MAY 24, 2017, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE AS DIRECTED IN SAID NOTICE AND ORDER DATED MAY 24, 2017, WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED, THE CITY WILL 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: AUGUST 4, 2017


THOMAS L. TRIMBERGER
SECRETARY TO THE BOARD

TLT:cp
Attachment

cc: CHESTER SCOGGINS
CHLOE ANN SCOGGINS
1833 IDALOU AVENUE
MODESTO, CA 95350

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City Attorney
Thomas L. Trimberger, Chief Building Official
Bert Lippert, Building Safety Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2017-06

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1833 IDALOU AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Chester and Chloe Ann Scoggins has title to and is the recorded owner of property located at 1833 Idalou Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1833 Idalou Avenue consists of nuisance conditions caused by the use of utility structures, shacks, and enclosures in rear yard as habitable living space and living in the single-family dwelling without utilities; 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 February 3, 2017; and

WHEREAS, a Notice and Order dated February 3, 2017, was issued by the Chief Building Official and the property owner was ordered to contact the Building Safety Division of the City of Modesto and Note: this property and the single-family dwelling 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 this single-family dwelling and property fit for occupancy you have only to do the following:

You are required to contact Yesenia Carrasco, Housing Finance Specialist of the City of Modesto Community Development Division, and make arrangements to enter into paying off the outstanding loan amount of Six Thousand Two Hundred Ninety Eight Dollars and Twenty Eight Cents (\$6,298.28) the result of a deed of trust and assignment of rents entered into between Chester Scoggins and Chloe Ann Scoggins, husband and wife, and the City of Modesto on October 20, 1987. Failure to contact Yesenia Carrasco, Housing Finance Specialist of the City of Modesto Community Development Division, and enter into an escrow account with the City of Modesto to pay off the outstanding loan within seven (7) calendar days of the date of this Notice and Order will result in the City of Modesto proceeding with taking possession of the property. If you have contacted the City of Modesto Community Development Division and made arrangements to pay off the outstanding loan amount of Six Thousand Two Hundred Ninety Eight Dollars and Twenty Eight Cents (\$6,298.28) within seven (7) calendar days of the Notice and Order you can then proceed with the following actions. Begin the eviction/removal of all tenants living in the utility shed and enclosures in the rear yard and single-family dwelling and provide documentation to the building safety division of the City of Modesto within seven (7) calendar days of the date of this Notice and Order. Contact the

Finance Department of the City of Modesto and restore water and garbage service to the property within thirty (30) calendar days of the date of this Notice and Order. Contact the Modesto Irrigation District and restore electrical service to the property within thirty (30) calendar days of the date of this Notice and Order. Contact PG&E and restore gas service to the property within thirty (30) calendar days of the date of this Notice and Order.

If you intend to bring the single-family dwelling 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 Bert Lippert, Building Safety Program Coordinator, to schedule an inspection of the interior of the single-family dwelling and the structures in the rear yard. Following the inspection by Mr. Lippert, but within seven (7) calendar days of the date of this Notice and Order, you are required to contact Tom Trimmerger, Assistant Chief Building Official of the City of Modesto, to schedule a meeting with him 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 forms, please include a detailed schedule with dates for start of construction and progress dates for each dwelling unit. This schedule must be approved by the Assistant Chief Building Official before this option will be considered. Following approval by the Assistant 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 by the Building Safety Division of the City of Modesto.

If you choose not to do the above you are required to do the following within thirty (30) calendar days of the date of this Notice and Order: Evict/remove all tenants, including you, from the property and single-family dwelling. Following the eviction/removal of all tenants including you, you are required to secure all points of entry, including all exterior doors, windows, or any open access point to prevent unauthorized entry per the enclosed City of Modesto Board Up Specifications into the single-family dwelling and detached garage. Sign and return the enclosed Modesto Police Department Authority to Arrest Letter; and

WHEREAS, said Notice and Order dated May 24, 2017, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on May 24, 2017, said Notice and Order of May 24, 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 24, 2017, said Notice and Order of May 24, 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 July 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 1833 Idalou 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 1833 Idalou Avenue, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. The Board upholds the Notice and Order dated May 24, 2017, and orders the property owners to abate the nuisance as directed in said Notice and Order dated May 24, 2017.

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. 2017-06, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-06, 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, Rick Reid, who moved its adoption, which motion being duly seconded by Board Member, Brad Wungluck, was upon roll call carried in the resolution adopted by the following vote:

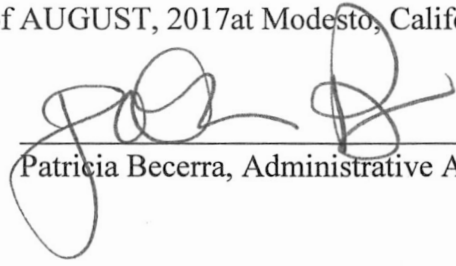
Ayes:	Dalton, Rodrigues, Wungluck, Yoshino, Reid
Noes:	None
Absent:	None

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



RICK REID
BOARD OF BUILDING APPEALS

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



Patricia Becerra, Administrative Assistant II

CASE NO: COD2017-90064

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