

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: JON CHRISTIANSON
5500 JENNINGS ROAD
MODESTO, CA 95358**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: TENANTS LIVING IN THE SINGLE FAMILY DWELLING WITHOUT UTILITIES, RUNNING A GENERATOR 24/7, RODENT INFESTATION ISSUES, AND THE PILES OF PERSONAL ITEMS AND JUNK ON THE PROPERTY KNOWN AS 217 SEMPLE STREET, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2017-90009

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 217 Semple Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2017-07, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2017-04, DATED JUNE 9, 2017, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE; THE BOARD UPHOLDS THE NOTICE AND ORDER DATED FEBRUARY 24, 2017; AND ACCEPTS THE ACCOUNT OF COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET DATED MAY 25, 2017. THE BOARD ORDERS THE PROPERTY OWNER TO PAY THE CIVIL PENALTIES INCLUDING THE HEARING COST OF (\$84,510.02). THE BOARD GRANTED A THIRTY (30) DAY EXTENSION FOR THE PORPERTY OWNER TO PROVIDE PROOF THAT THE EVICTION

PAPERS HAVE BEEN SERVED FOR THE REMOVAL OF ALL TENANTS FROM THE PROPERTY AND THE SINGLE-FAMILY DWELLING, AND GRANTED ANOTHER THIRTY (30) DAY EXTENSION IF REQUIRED FOR A TOTAL OF SIXTY (60) DAYS TO COMPLETE:

THE EVICTION/REMOVAL OF ALL TENANTS FROM THE PROPERTY AND THE SINGLE-FAMILY DWELLING; SIGN AND RETURN THE MODESTO POLICE DEPARTMENT AUTHORITY TO ARREST LETTER; SECURE THE SINGLE-FAMILY DWELLING FROM UNAUTHORIZED ENTRY, PER THE CITY OF MODESTO BOARD UP SPECIFICATIONS.

THE CITY MONITORED THE PROPERTY AND REPORTED BACK TO THE BOARD IN SIXTY (60) DAYS AND VERIFIED THE PROPERTY OWNER HAS NOT COMPLIED AND IS NOT COMPLYING TO ENSURE NO ONE IS LIVING ON THE PROPERTY. THE OWNER HAS FAILED TO COMPLY WITH THE NOTICE AND ORDER DATED FEBRUARY 24, 2017, AND BOARD OF BUILDING APPEALS RESOLUTION NO. 2017-04, DATED JUNE 9, 2017, AND ORDERS THE PROPERTY OWNER TO PAY CIVIL PENALTIES IN THE AMOUNT OF (\$84,000.00) AND HEARING COSTS OF (\$510.02) FOR A TOTAL INVOICE AMOUNT OF (\$84,510.02).

IF CIVIL PENALTIES AND HEARING COSTS ARE NOT PAID AS CONFIRMED AND ORDERED BY THE BOARD OF BUILDING APPEALS, 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: August 4, 2017



THOMAS L. TRIMBERGER
SECRETARY TO THE BOARD

TLT:cp
Attachment
Enclosure: City of Modesto Invoice

cc: JON CHRISTIANSON
5500 JENNINGS ROAD
MODESTO, CA 95358

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2017-07

A RESOLUTION DECLARING THE BUILDING LOCATED AT 217 SEMPLE STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO PAY CIVIL PENALTIES IN THE AMOUNT OF EIGHTY FOUR THOUSAND DOLLARS (\$84,000.00) AND HEARING COSTS OF FIVE HUNDRED TEN DOLLARS AND TWO-CENTS (\$510.02) FOR A TOTAL INVOICE AMOUNT OF EIGHTY FOUR THOUSAND FIVE HUNDRED TEN DOLLARS AND TWO-CENTS (\$84,510.02)

WHEREAS, Jon Christianson has title to and is the recorded owner of property located at 217 Semple Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 217 Semple Street consists of the single-family dwelling without utilities, running a generator 24/7, rodent infestation issues, and the piles of personal items and junk on the property; 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 January 19, 2017; and

WHEREAS, a Notice and Order dated February 24, 2017, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and 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 Chief Building Official before this option will be considered. Following approval of the construction schedule, you are required to meet the agreed upon dates for start of construction, progress dates, and final inspection approval by May 1, 2017.

If you intend to do the above you are required to evict/remove all tenants from the property and the single-family dwelling, sign and return the enclosed Modesto Police Department Authority to Arrest letter, and secure the single-family dwelling from unauthorized entry by boarding up all points of entry, per the enclosed City of Modesto Board Up Specifications within thirty (30) calendar days of the date of this Notice and Order; and

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

WHEREAS, on February 24, 2017, said Notice and Order of February 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 February 24, 2017, said Notice and Order of February 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 May 15, 2017, a “Board of Building Appeals Civil Penalty Hearing Notice” 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 “Board of Building Appeals Civil Penalty Hearing Notice” gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on May 25, 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 217 Semple 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.

WHEREAS, on June 9, 2017, a Board of Building Appeals Resolution No. 2017-04 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, on June 9, 2017, Board of Building Appeals Resolution No. 2017-04 was issued and ordered the following: Please take further notice that pursuant to Resolution No. 2017-04, the premises has been declared a public nuisance; the Board

upholds the Notice and Order dated February 24, 2017; and accepts the account of cost report under Exhibit B of the civil penalty hearing packet dated May 25, 2017. The Board affirms the civil penalties including the hearing cost of (\$84,510.02). The Board grants a thirty (30) day extension for the property owner to provide proof that the eviction papers have been served for the removal of all tenants from the property and the single-family dwelling, and another thirty (30) day extension if required for a total of sixty (60) days to complete:

The eviction/removal of all tenants from the property and the single-family dwelling; sign and return the Modesto Police Department Authority to Arrest Letter; secure the single-family dwelling from unauthorized entry, per the City of Modesto Board Up Specifications.

The City shall monitor the property and report back to the Board in sixty (60) days to verify the property owner has complied or is complying and ensure no one is living on the property. Civil penalties in the amount of (\$84,000.00) shall be maintained and will be addressed if the owner fails to comply.

WHEREAS, the owner(s) of said premises have failed to comply within the time specified in said Board Of Building Appeals Resolution No. 2017-04 and, therefore, the owner(s) continues to be in violation of the Building Maintenance Code of the City of Modesto; and has not complied with Board of Building Appeals Resolution No. 2017-04, issued on June 9, 2017; and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance; and

WHEREAS, on July 17, 2017, "Board of Building Appeals Civil Penalty Hearing Notice" for a second hearing to report back to the Board on the status of the property 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 "Board of Building Appeals Civil Penalty Hearing Notice" gave notice that a second 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 217 Semple 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. The civil penalties are affirmed and upheld in the amount of Eighty Four Thousand Dollars (\$84,000) and including hearing costs in the amount of

(\$510.02) Five Hundred Ten Dollars and Two-Cents as listed in the hearing packet of May 25, 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. 2017-07, affirming civil penalties.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-07, affirming civil penalties and ordering payment of civil penalties, 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.

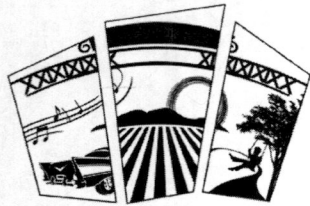
The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 27th day of July 2017, by Board Member, Brad Wungluck, who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino, was upon roll call carried in the 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.

A handwritten signature in black ink, appearing to read "Rick Reid", is written over a horizontal line.

RICK REID
BOARD OF BUILDING APPEALS



CITY OF
MODESTO
CALIFORNIA

INVOICE

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: JON CHRISTIANSON
5500 JENNINGS ROAD
MODESTO, CA 95358

INVOICE NO: 84503
DATE: 8/04/17

CUSTOMER NO: 55271/55271

TYPE: NP - NEIGHBORHD PRESERVATN

| QUANTITY | DESCRIPTION | UNIT PRICE | EXTENDED PRICE |
|----------|---|------------|----------------|
| 1.00 | ADMINISTRATIVE COSTS 07/27/2017 BBA CIVIL PENALTY HEARING - 217 SEMPLE ST CODE ENFORCEMENT CASE NO. COD2017-90009 | 510.02 | 510.02 |
| 1.00 | CIVIL PENALTIES 217 SEMPLE STREET - COD2017-90009 PER NOTICE & ORDER - 84 DAYS AT \$1,000 PER DAY | 84,000.00 | 84,000.00 |

PAY YOUR BILL ONLINE AT WWW.MODESTOGOV.COM

TOTAL DUE: \$84,510.02

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/04/17 DUE DATE: 8/14/17
CUSTOMER NO: 55271/55271

NAME: CHRISTIANSON, JON
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 84503
TERMS: NET 10 DAYS

AMOUNT: \$84,510.02

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,
5 California 95354.

6 On August 4, 2017, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
7 217 SEMPLE ST, Modesto, California; Assessor's Parcel No. 111007030; on all parties in said
8 action by serving a true copy thereof as follows:

9 JON CHRISTIANSON
10 5500 JENNINGS ROAD
11 MODESTO, CA 95358

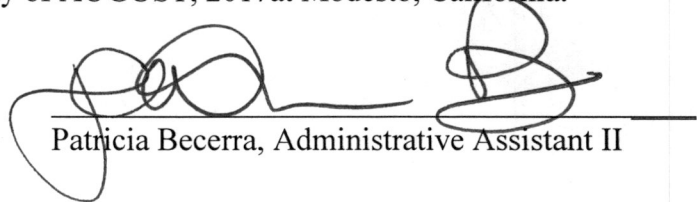
12 RE: 217 SEMPLE ST
13 MODESTO CA 95354
14 APN: 111-007-030

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

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

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

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

29 
30 Patricia Becerra, Administrative Assistant II