

**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**

**FEBRUARY 5, 2019**

**TO: EVELYN D. SAMMONS  
1208 EL VECINO AVENUE  
MODESTO, CA  
95350-5642**

**WELLS FARGO BANK, N.A.  
101 NORTH PHILLIPS AVENUE  
SIOUX FALLS, SD  
57104-6714**

**WELLS FARGO HOME MORTGAGE  
P.O. BOX 11758  
NEWARK, NJ  
07101-4758**

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

**RE: THE LOSS OF LIGHT, VENTILATION AND EGRESS CAUSED BY THE BOARDING UP OF WINDOWS AND ENCLOSING THE REAR PORCH OF THE SINGLE-FAMILY DWELLING AND ATTACHED TWO-CAR GARAGE ON THE PROPERTY WITH THE PARCEL ID NUMBER: 031-044-039-000 WHICH CURRENTLY HAS THE ADDRESS OF 1208 EL VECINO AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2018-40075**

PLEASE TAKE NOTICE that on January 24, 2019, 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 1208 El Vecino Avenue (hereinafter referred to

collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-01, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-01, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE. THE BOARD AFFIRMS THE NOTICE AND ORDER DATED MAY 3, 2018; THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400) AS ORDERED IN THE NOTICE IN ORDER. THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE DOLLARS AND SIX CENTS (\$725.06). AT PRESENT, THE PROPERTY HAS ENTERED INTO ESCROW WITH A BUYER WHO INTENDS TO REPAIR AND SELL THE PROPERTY. THEREFORE , THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY – THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400) WILL BE HELD IN ABEYANCE TO ALLOW THE PROPERTY TO CHANGE OWNERSHIP AND THE HEARING COSTS IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE DOLLARS AND SIX CENTS (\$725.06) WILL BE ASSESSED. IF THE NEW PROPERTY OWNER FAILS TO ABATE THE UNSAFE CONDITIONS REQUIRED BY THE NOTICE AND ORDER WITHIN NINETY (90) CALENDAR DAYS FROM THE CLOSE OF EXCROW THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR-HUNDRED DOLLARS (\$23,400) HELD IN ABEYANCE WILL BE ASSESSED AND MADE A PERSONAL OBLIGATION FOR THE PRESENT OWNER TO PAY.**

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: February 5, 2019



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OSCAR DIAZ  
SECRETARY TO THE BOARD

OD:cp  
Attachment

cc: EVELYN D. SAMMONS  
1208 EL VECINO AVENUE  
MODESTO, CA  
95350-5642

WELLS FARGO BANK, N.A.  
101 NORTH PHILLIPS AVENUE  
SIOUX FALLS, SD  
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07101-4758

City Attorney  
Oscar Diaz, Chief Building Official  
Bert Lippert, Building Inspection Program Coordinator  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2019-01

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1208 EL  
VECINO AVENUE A PUBLIC NUISANCE AND DIRECTING THE  
OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE

WHEREAS, EVELYN D. SAMMONS has title to and is the recorded owner of property located at 1208 El Vecino Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 1208 El Vecino Avenue consists of the loss of light, ventilation and egress caused by the boarding up of windows and enclosing the rear porch of the single-family dwelling and attached two-car garage; 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 25, 2018; and

WHEREAS, a Notice and Order dated May 3, 2018, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and Within seven (7) calendar days of the date of this Notice and Order contact Thomas L. Trimberger, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options. Within seven (7) calendar days of the date of this Notice and Order, but following your appointment with Mr. Trimberger, provide a written statement using the enclosed Intent to Repair or Demolish Form declaring your intent to comply with this Notice and Order by obtaining the required building permits from the Building Safety Division of the City of Modesto for the enclosing of the rear porch and the loss of bedroom egress or to obtain a demolition permit to remove the converted area. 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. If you chose to demolish the converted area you shall obtain a demolition permit from the Building Safety Division of the City of Modesto and physically commence the demolition within thirty (30) calendar days of the date of this Notice and Order. These dates will be used to track progress and establish civil penalties, if necessary, as noted below. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes; and

WHEREAS, said Notice and Order dated May 3, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on May 3, 2018, said Notice and Order of May 3, 2018, 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 3, 2018, said Notice and Order of May 3, 2018, 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 January 14, 2019, a "Notice of Civil Penalty Hearing" 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 of Civil Penalty Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on January 24, 2019, 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 1208 El Vecino 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: **THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE. THE BOARD AFFIRMS THE NOTICE AND ORDER DATED MAY 3, 2018; THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400) AS ORDERED IN THE NOTICE IN ORDER. THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE DOLLARS AND SIX CENTS (\$725.06). AT PRESENT, THE PROPERTY HAS ENTERED INTO ESCROW WITH A BUYER WHO INTENDS TO REPAIR AND SELL THE PROPERTY. THEREFORE , THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY -THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400) WILL**

**BE HELD IN ABEYANCE TO ALLOW THE PROPERTY TO CHANGE OWNERSHIP AND THE HEARING COSTS IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE DOLLARS AND SIX CENTS (\$725.06) WILL BE ASSESSED. IF THE NEW PROPERTY OWNER FAILS TO ABATE THE UNSAFE CONDITIONS REQUIRED BY THE NOTICE AND ORDER WITHIN NINETY (90) CALENDAR DAYS FROM THE CLOSE OF EXCROW THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR-HUNDRED DOLLARS (\$23,400) HELD IN ABEYANCE WILL BE ASSESSED AND MADE A PERSONAL OBLIGATION FOR THE PRESENT OWNER TO PAY.**

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. 2019-01, declaring a nuisance and directing abatement of the nuisance.

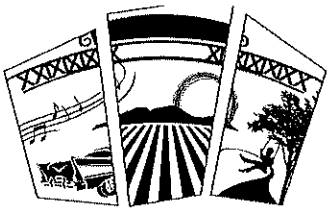
BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2019-01, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another 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 24th day of January 2019, 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:	Bergman, Dalton, Yoshino, Reid
Noes:	None
Absent:	Wungluck

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

  
\_\_\_\_\_  
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 • 95354  
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353  
209.577.5232 / fax 209.571.5135

TO: EVELYN D. SAMMONS  
1208 EL VECINO AVE  
MODESTO, CA 95350

INVOICE NO: 98299  
DATE: 2/05/19

CUSTOMER NO: 58849/58849

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 1/24/19 - BOARD OF BUILDING APPEALS HEARING FOR 1208 EL VECINO AVE; COD2018-40075 HEARING COSTS ORDERED BY BBA RESOLUTION NO. 2019-01	725.06	725.06

PAY ONLINE AT [MODESTOGOV.COM](http://MODESTOGOV.COM)

TOTAL DUE: \$725.06

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 2/05/19 DUE DATE: 2/15/19  
CUSTOMER NO: 58849/58849

NAME: SAMMONS, EVELYN D.  
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 98299  
TERMS: NET 10 DAYS

AMOUNT: \$725.06

