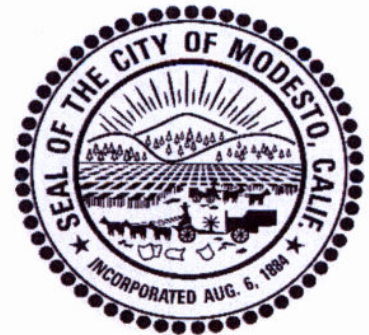


CITY OF MODESTO, CALIFORNIA
Community and Economic Development Department
Building Safety Division
P.O. Box 642
1010 Tenth Street, Suite 3100
Modesto, California 95353

Telephone (209) 577-5232
TDD (209) 526-9211



NOTICE OF PASSAGE OF RESOLUTION

September 6, 2024

**TO: MC CLELLAN BRYCE
3925 GATESVILLE AVE
MODESTO, CA 95357**

VIA: CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RE: STRUCTURE BUILT IN BACKYARD WITHOUT PERMIT LOCATED AT THE PROPERTY KNOWN AS 3925 GATESVILLE AVE, MODESTO, CA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2022-01925

PLEASE TAKE NOTICE that on Thursday, July 25, 2024, 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 3925 Gatesville Ave (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2024-03, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2024-03, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED FRIDAY, JUNE 7, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS: THE BOARD UPHOLDS THE NOTICE AND ORDER DATED JUNE 7, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED AND NINETY ONE DOLLARS AND TWENTY-FOUR CENTS (\$891.24);

THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) IN ABEYANCE; THE BOARD ORDERS THE APPELLANT TO OBTAIN A PERMIT WITHIN THIRTY (30) CALENDAR DAYS TO DEMOLISH THE STRUCTURE AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS;

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) calendar 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: September 6, 2024



Oscar Diaz
SECRETARY TO THE BOARD

ODI: ae
Attachment

Enclosure: City of Modesto Invoice

cc: **MC CLELLAN BRYCE
3925 GATESVILLE AVE
MODESTO, CA 95357**

City Attorney
Oscar Diaz, Chief Building Official
Chris Kemper, Building Safety Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2024-03,

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED FRIDAY, JUNE 7, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS; THE BOARD UPHOLDS THE NOTICE AND ORDER DATED JUNE 7, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED AND NINETY ONE DOLLARS AND TWENTY-FOUR CENTS (\$891.24); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) IN ABEYANCE; THE BOARD ORDERS THE APPELLANT TO OBTAIN A PERMIT WITHIN THIRTY (30) CALENDAR DAYS TO DEMOLISH THE STRUCTURE AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS;

WHEREAS, MC CLELLAN BRYCE have/has title to and is/are the recorded owner(s) of property located at 3925 GATESVILLE AVE in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 3925 GATESVILLE AVE consists of STRUCTURE BUILT IN BACKYARD WITHOUT PERMIT; 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 abatement of the unsafe structures and meet deadlines set for construction on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on Thursday, July 7, 2022 ; and

WHEREAS, a Notice and Order dated Friday, June 7, 2024, was issued by the Chief Building Official and ordered;

1. The owner is to apply for and obtain a demolition permit to remove the unpermitted rear yard patio within thirty (30) calendar days.
 2. The owner is to have the structure demolished with the required inspections and finalized no later than thirty (30) calendar days from obtaining the demolition permit;
- and

WHEREAS, said Notice and Order dated Friday, June 7, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

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 Friday, June 7, 2024, said Notice and Order of Friday, June 7, 2024, 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 constitute 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 Tuesday, July 15, 2025 , a “Notice of Board of Building Appeals 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 Board of Building Appeals Civil Penalty Hearing” gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on Thursday, July 25, 2024, at 4:00 p.m., in the basement level Conference Room B300 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 3925 GATESVILLE AVE; 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 BOARD UPHOLDS THE NOTICE AND ORDER DATED JUNE 7, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT

HUNDRED AND NINETY ONE DOLLARS AND TWENTY-FOUR CENTS (\$891.24); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) IN ABEYANCE; THE BOARD ORDERS THE APPELLANT TO OBTAIN A PERMIT WITHIN THIRTY (30) CALENDAR DAYS TO DEMOLISH THE STRUCTURE AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS;

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by Monday, October 28, 2024, 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 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. 2024-03 , declaring a nuisance and directing abatement of the nuisance.

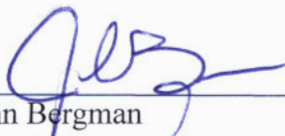
BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2024-03, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, 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 Thursday, July 25, 2024 , by Board Member, Evan Yoshino who moved its adoption, which motion being duly seconded by Board

Member, Jesse Wiggins, was upon roll call carried in the resolution adopted by the following vote:

Ayes: Bergman, Yoshino, Harter, Huelon, Wiggins
Noes: None.
Absent: None

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



John Bergman
Board Chair of Building Appeals

INVOICE

CITY OF MODESTO

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY DIVISION

1010 Tenth Street, Suite 3100 Modesto CA 95354

Mailing Address: P.O. Box 642 Modesto CA 95356

209-577-5232



TO: BRYCE MC CLELLAN
3925 GATESVILLE AVE
MODESTO, CA 95357

INVOICE NO: 150189
DATE: 9/05/24

CUSTOMER NO: 66473/222942

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 4910-14998-43291-101506 7/25/2024 BBA CIVIL PENALITY HEARING - RESO. NO 2024-03 RE: 3925 GATESVILLE AVE CODE CASE COD2022-01925	891.24	891.24

PAY ONLINE AT MODESTOGOV.COM OR CALL 209-577-5303

TOTAL DUE: \$891.24

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 9/05/24 DUE DATE: 9/16/24
CUSTOMER NO: 66473/222942

NAME: MC CLELLAN, BRYCE
TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 150189
TERMS: NET 10 DAYS

AMOUNT: \$891.24

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PROOF OF SERVICE - CCP §1013(a)(3)

I am employed in the County of Stanislaus, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: 1010 10th Street, Modesto, California 95354.

On September 6, 2024, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, 3925 Gatesville Ave, Assessor's Parcel 079012033 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:

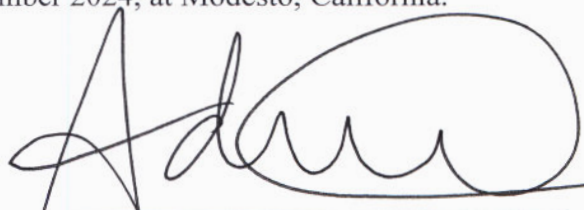
**TO: MC CLELLAN BRYCE
3925 GATESVILLE AVE
MODESTO, CA 95357**

 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to - 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.

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

 BY PERSONAL SERVICE: I caused the within document to be hand delivered to the parties herein at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I executed this 6th day of September 2024, at Modesto, California.



Adrian Estrada, Admin Office Assistant III

COD2022-01925