

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *RJ*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE May 24, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations from the Nuisance Abatement Board's Public Hearing Regarding Dangerous Building Case DAD2011-00003 Located at 510 Hatch, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Board to abate the dangerous buildings located at 510 Hatch, Modesto, California.

FISCAL IMPACT:

The initial expense generated by this case will be covered by the use of the Dangerous Building Abatement Fund. Demolition cost recovery will be achieved through an abatement lien placed on the property, pursuant to California Government Code Section 25845 and the 2006 Edition of the International Property Maintenance Code. Upon cost recovery, the Dangerous Building Abatement Fund will be refunded for all expenses occurred with this case.

BOARD ACTION AS FOLLOWS:

No. 2011-322

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is for the demolition of an unsafe dangerous structure and the removal of refuse and debris. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the March 24, 2011, recommendation of the Nuisance Abatement Board, as attached herein.

The property is located at 510 Hatch, Modesto, California, which is zoned R-3 (Residential) and contains three structures on the parcel; one vacant fire damaged single family dwelling and two detached accessory structures. The following is the series of steps taken by County staff to bring corrective action to this property.

On March 29, 2010, the Department of Environmental Resource's Code Enforcement Division received an anonymous complaint for debris, drug paraphernalia, and a fire damaged structure that exists at said address. The fire damaged structure was the single family dwelling on the parcel and it has burned twice in the last year.

On April 9, 2010, the Department of Environmental Resource's Code Enforcement Division inspected the property and noted that the roof, interior walls and the exterior walls have been severely damaged. At that time, Code Enforcement contacted the Planning and Community Development Department Building Permits Division to report on the condition of the single family dwelling. An investigation was completed by the Building Permits Division and staff found that the single family dwelling was a "Dangerous Building" and posted the structure "DO NOT ENTER UNSAFE TO OCCUPY."

On April 16, 2010, Stanislaus County Code Enforcement Division research revealed that a "Notice of Trustee Sale (DOC # 2008-0023215-00)" was recorded on March 6, 2008. The notice stated that the property would be auctioned off on March 20, 2008. The Contact and the Trustee on the Deed is listed as:

First Choice Foreclosure,
PO BOX 3166
New Bern, North Carolina 28564

On April 22, 2010, Stanislaus County Code Enforcement staff contacted the previous owner, Ramon Gil, to inquire about the current owner of the property. Mr. Hugo Gil, son of Ramon Gil, stated that the property had gone through foreclosure two (2) years ago and the lenders were involved in a legal dispute with the insurance company.

On April 23, 2010, Stanislaus County Code Enforcement staff conducted a follow up field inspection and found the site to be in violation of unlawful vacant structure(s) and unlawful accumulation of debris, refuse and rubbish.

On May 6, 2010, Stanislaus County Code Enforcement staff inspected the site and determined that the dwelling was a substandard uninhabited structure. The Stanislaus County Code Enforcement Division contacted the Planning and Community Development Department Building Permits Division and informed the Building Official, of the conditions of the property.

On May 12, 2010, the Stanislaus County Building Official performed a site inspection, posted the structure "Unsafe to Occupy", contacted Code Enforcement, and confirmed that the Building Permits Division will conduct a Nuisance Abatement case on the fire damaged structure.

On October 27, 2010, the Stanislaus County Building Permits Division requested a title search from Stewart Title. The title report noted that the Trustee of the property is First Choice Foreclosure and the Beneficiary is Laurie Halverson of Seattle, Washington, one of the private investors that financed the sale of the property.

On October 29, 2010, the Stanislaus County Building Permits Division posted a "Notice and Order" at the premises and sent a copy of the "Notice and Order" by certified mail to Laurie Halverson in Seattle, Washington, and recorded a "Certificate of Existence of Substandard and Dangerous Building" with the Clerk Recorder's Office of Stanislaus County.

On November 5, 2010, the Stanislaus County Building Permits Division received the signed receipt from the certified letter sent to Laurie Halverson of Seattle, Washington.

On February 8, 2011, the Stanislaus County Building Permits Division contacted Mr. Ramon Gil to inquire why his name was still listed on the Assessor's records when the foreclosure occurred over two years ago. His response was that he never owned such property and abruptly ended the conversation by hanging up. At that time, the Stanislaus County Building Permits Division contacted Mr. Hugo Gil, son of Ramon Gil, to inquire about this parcel. He stated that Ramon Gil never owned the parcel and the investment group used that name to purchase the property. He went on to state that Laurie Halverson was the Beneficiary as well as one of the private financiers of the property and to contact Ms. Halverson in regards to issues with this property.

Along with the property owners, all parcel owners within 300 feet of this parcel received the January 7, 2011, "Notice of Public Hearing" letter. During the Nuisance Abatement Board meeting, held on January 27, 2011, approximately ten (10) parcel owners were present, and in favor of the abatement actions.

Staff recommends that the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations to abate the nuisance, as attached herein. The Planning and Community Development Department, Building Permits Division, will contract through the approved methods and take the following actions to abate the nuisance in a timely manner:

Approval to Adopt the Recommendations from the Nuisance Abatement Board's Public Hearing Regarding Dangerous Building Case DAD2011-00003 Located at 510 Hatch, Modesto, California
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1. Collect and dispose of all debris, refuse, and rubbish to an approved off-site location; and,
2. Demolish the unsafe structures.

POLICY ISSUES:

Acceptance of the staff recommendations would be consistent with the Board's priorities to promote A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services which protects the public's interest and fosters pride in local communities.

STAFFING IMPACT:

In the absence of a Dangerous Building Inspector position, current staff within the Stanislaus County Building Permits Division performs the administration of nuisance abatement cases.

CONTACT PERSON:

Steve Treat or Denny Ferreira, Department of Planning and Community Development
Telephone: (209) 525-6557

ATTACHMENTS:

1. Nuisance Abatement Hearing Board Decision and Inspection Report



NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 510 EAST HATCH
Abatement Hearing No. DAD2011-00003


The Nuisance Abatement Hearing Board heard the above-referenced matter on **March 24, 2011**. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 510 East Hatch, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 086-009-009, is zoned R-3, residential.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property as identified in the title report. The title report lists **First Choice Foreclosure and Laurie Halverson** as the owner(s) of record.
4. All interested parties were served a Notice and Order pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: **March 24, 2011**



Greg Pires, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **April 19, 2011** the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT "A"

**COUNTY OF STANISLAUS
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING PERMITS DEVISION
INSPECTION REPORT
CASE # DAD2011-00003**

BUILDING INSPECTOR:

Denny Ferreira

PROPERTY ADDRESS, APN AND LEGAL DESCRIPTION:

510 Hatch
Modesto, CA. 95351
APN 086-009-009

All that certain real property situated in the State of California, County of Stanislaus, Unincorporated Area and described as follows:

The West 58.86 feet of Lot 11 and the East 129 feet of Lot 12 of South Modesto Acres, as per Map filed March 11, 1936, in Volume 11 of Maps, page 27, Stanislaus County Records.

Excepting therefrom the South 160 feet and the West 75 feet thereof.

There are three (3) structures on the parcel; one single-family dwelling and two (2) detached accessory structure. According to the assessors records the structures were built in 1935. The parcel listed herein is located in a residential neighborhood currently zoned R-3 and has an estimated lot size of 0.61 acres. The physical location of the parcel is east of Crows Landing Road and west of the East Hatch and 7th street overpass.

PROPERTY OWNER INFORMATION:

Ramon Gil is the owner of record according to the Stanislaus County Tax Assessor's web site. The most current title report and Deed obtained from Stewart Title Company stated that First Choice Foreclosure is the Trustee and Laurie Halverson is the beneficiary.

GENERAL HISTORY AND BACKGROUND INFORMATION:

March 29, 2010,

- Stanislaus County Code Enforcement received an anonymous complaint for debris and a fire damaged structure that had been burnt twice in the last year.

April 9, 2010,

- The Stanislaus County Code enforcement inspected the property and noted that the roof, interior and exterior are severely fire damaged and must be removed.
- Code enforcement contacted the Building Department in regards to the conditions of the structure.
- Building department completed an investigation and found that the structure meets the standard of a Dangerous Building and Posted the structure "DO NOT ENTER"

April 16, 2010

- The Stanislaus County Code Enforcement researched and found that the parcel had been included in a public auction on March 20, 2008.

April 22, 2010

- The Stanislaus County Code enforcement contacted the previous owner, Ramon Gil, to find out who the current owner is and who had authority of the property.

April 23, 2010

- The Stanislaus County Code Enforcement conducted a field inspection and found the site to be in violation of: unlawful vacant structure(s), unlawful accumulation of debris, refuse, and rubbish.

May 6, 2010

- The Stanislaus County Code Enforcement contacted the building Department and informed the Building Official of the conditions on site

May 12, 2010

- The Stanislaus County Building Official performed a site inspection, contacted Code Enforcement and confirmed that the Building Department will conduct a Nuisance Abatement case on the severely fire damaged structure. Posted "Unsafe to Occupy"

October 27, 2010,

- The Stanislaus County Building Department Requested Title Search from Stewart Title.

**CONDITIONS OBSERVED
AND FURTHER FACTUAL INFORMATION:**

March 29, 2010,

- Stanislaus County Code Enforcement received an anonymous complaint that two (2) separate fires in the last year have occurred on the property located at 510 East Hatch. Homeless people were living in the abandoned structures, trash, rubbish, and drug paraphernalia littered the property.

April 9, 2010

- The Stanislaus County Code Enforcement conducted an initial inspection and noted that the roof and the interior walls of the dwelling were severally damaged and a majority of the exterior walls were destroyed in the fire. The entire parcel was covered in high weeds, which prompted Code Enforcement staff to contact the County Fire Wardens Office.
- Code enforcement contacted the Building Department in regards to the conditions of the structure.

April 16, 2010,

- The Stanislaus County Code Enforcement researched and found, through the Clerk Recorders Office, that a "Notice of Trustee Sale (DOC # 2008-0023215-00)" was recorded on March 6, 2008. The notice stated that the property would be auctioned off on March 20, 2008. The Contact and the Trustee on the Deed is listed as:

First Choice Foreclosure,
PO BOX 3166
New Bern, North Carolina 28564

April 22, 2010,

- The Stanislaus County Code Enforcement contacted the previous owner to find out who the current owner is and who had authority of the property. Mr. Hugo Gil, son of Ramon Gil, stated that the property had gone through foreclosure two (2) years ago and the lenders were involved in a legal dispute with the insurance company.

April 23, 2010,

- The Stanislaus County Code Enforcement conducted a follow up field inspection and found the site to be in violation of unlawful vacant structure(s) and unlawful accumulation of debris, refuse and rubbish.

May 6, 2010

- The Stanislaus County Code Enforcement Officers, Tod Woodward and Hector Plascensia, inspected the site and determined that the dwelling was a substandard uninhabited structure.

- The Stanislaus County Code Enforcement contacted the Building Department and informed the Building Official, Steve Treat, of the conditions of the nuisance.

May 12, 2010

- The Stanislaus County Building Official performed a site inspection, Posted "Unsafe to Occupy", contacted Code Enforcement, and confirmed that the Building Department will conduct a Nuisance Abatement case on the fire damaged structure.

October 27, 2010,

- The Stanislaus County Building Department Requested Title Search from Stewart Title. The Title report noted that the Trustee of the property is First Choice Foreclosure and the Beneficiary is Laurie Halverson of Seattle Washington.

October 29, 2010,

- The Stanislaus County Building Department Posted "Notice and Order" at premises and sent a copy of the "Notice and Order" by certified mail to Laurie Halverson in Seattle Washington. .
- The Stanislaus County Building Department Recorded "Certificate of Existence of Substandard and Dangerous Building"

November 5, 2010,

- Stanislaus County Building department received the signed receipt from the certified letter sent to Laurie Halverson of Seattle Washington.

February 8, 2011,

- Stanislaus County Building Department contacted Mr. Ramon Gil to inquire why his name was still listed on the assessor's records when the foreclosure occurred over two years ago. His response to this department was that he never owned such property and abruptly ended the conversation by hanging up.
- Stanislaus County Building Department contacted Mr. Hugo Gil, Son of Ramon Gil, to inquire about this parcel. He stated that Ramon Gil never owned the parcel and the investment group used that name to purchase the property. He went on to tell this department that Laurie Halverson was the Beneficiary as well as one of the private financiers of the property and to contact Ms. Halverson in regards to issues with this property.

ENFORCEMENT ACTION TAKEN:

October 29, 2010

Posted "Notice and Order" on structure; per Chapter 2 (2.92.030) of Title 16 and Title 16 (16.25.30);
Certified letter sent with "Notice and Order"; per Chapter 2 (2.92.030) of Title 16 and Title 16 (16.25.30);
Recorded "Certificate of Existence of Substandard and Dangerous Building" per Title 16 (16.25.30).

March 10, 2011

Notice of Public Hearings sent to owner and all parcel owners within 300 feet.
Per Chapter 2 (2.92.070:A:1) of Title 16

VIOLATIONS:

Based upon the conditions I observed at the property and reviewing county files, I found the property owner violated the following provisions of the Stanislaus County Code and Business & Professions Code:

Unsafe structure found to be dangerous to the life, health, property or safety of the public. Sec. 16.25 Stanislaus County Code, Sec. 108.1.1 Unsafe Structures 2006 International Property Maintenance Code.

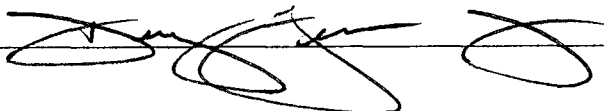
The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. Section 16.25 Stanislaus County Code, Sec. 110 International Property Maintenance Code.

Any use or condition of Property that is dangerous to human life, Unsafe or detrimental to the public health or safety Sec. 2.92.010 of the Stanislaus County Code.

DECLARATION:

I declare under penalty of perjury that the forgoing is true and correct.

DATE: 03/24/2011 DENNY FERREIRA
OFFICER

Approved: _____
 Building Inspector