

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

DEPT: Planning and Community Development *AK*

BOARD AGENDA # *D-3

Urgent Routine

AGENDA DATE April 3, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding Cost Accounting to Abate Nuisance DAD2011-00001 Located at 1421 Canal Street, Modesto, California

STAFF RECOMMENDATIONS:

1. Adopt the decision of the Nuisance Abatement Hearing Board regarding cost accounting to abate nuisances at 1421 Canal Street, Modesto, California as set forth herein.
2. Direct staff to order an "Abatement Lien" to be recorded against the property through the Treasurer/Tax Collector's Office.

FISCAL IMPACT:

Demolition cost recovery will be achieved through the Abatement Lien placed on the property, pursuant to the California Government Code 25845 and the 2006 Edition of the International Property Maintenance Code Section 106. The demolition and clean-up of the said property was completed at a total cost of \$8,306.30. All costs associated with the abatement of dangerous buildings are funded by the Dangerous Building Fund. The current balance of the Dangerous Building Fund is 167,043. There are two other Dangerous Building Board items on this agenda that will also reduce the balance accordingly.

BOARD ACTION AS FOLLOWS:

No. 2012-146

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

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

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

On June 23, 2011, the Planning and Community Development Department, Building Permits Division conducted a field investigation that revealed a two fire damaged structures (dwelling and detached garage), refuse, and debris on property located at 1421 Canal Street, Modesto, California.

A certified letter was sent to the owner with the recommendation to demolish the structure and remove all refuse and debris. The letter was delivered and signed for. On September 6, 2011, a "Notice and Order" was mailed and posted, and a "Certificate of Existence of Dangerous Building" was recorded by the Stanislaus County Clerk-Recorder's Office. Approval was given for demolition and clean-up by the Nuisance Abatement Board on October 27, 2011, with the Board of Supervisor's approval on November 15, 2011. The demolition of the dwelling and clean-up of the property was completed on December 23, 2011, at a total cost of \$8,306.30.

On February 23, 2012, the Nuisance Abatement Hearing Board supported staff's recommendations that the billing was reasonable and forwarded the matter to the Board of Supervisors. By adopting the decision of the Nuisance Abatement Hearing Board, the Board of Supervisors affirms the reasonableness of the billing. A detailed accounting of the billing is attached as Decision of Costs (Attachment 1) and Cost Accounting Staff Report (Attachment 2).

POLICY ISSUES:

Acceptance of staff's recommendation would be consistent with the Board's priorities of providing A Safe Community and A Healthy Community by removing dangerous structures and the Efficient Delivery of Public Services by recovering associated costs from the responsible parties.

STAFFING IMPACTS:

Current staff from the Stanislaus County Building Permits Division performs the administration of nuisance abatement cases.

CONTACT PERSON:

Steve Treat, Chief Building Official Telephone: 209-525-6557

ATTACHMENTS:

1. Nuisance Abatement Boards Decision of Costs
2. Cost Accounting Staff Report



NUISANCE ABATEMENT HEARING BOARD

DECISION OF COSTS

**IN RE: 1421 CANAL STREET
Abatement Hearing No. DAD2010-00001
BOARD OF SUPERVISORS No. 2011-711**

The Stanislaus County Board of Supervisors authorized a forced cleanup for the above mentioned property on November 15, 2011. Using the guidelines set forth by the Board of Supervisors the Planning & Community Development Department Building Permits Division obtained bids for this cleanup. That cleanup was conducted on December 23, 2011.

The cost accounting for this cleanup is attached to this Decision of Costs as attachment AA. It is respectfully requested, on February 23, 2012, that the Nuisance Abatement Hearing Board, pursuant to 2.92.070 of the Stanislaus County Code, find these costs are reasonable. If the costs are found to be reasonable then the Board of Supervisors will be asked to accept, modify or deny the Decision of Costs so the billing process can proceed.

Approved as Requested
Robert Crabtree, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on March 27, 2012 the Board of Supervisors will hear this matter as a consent item.

**STAFF REPORT
COST ACCOUNTING
CASE: DAD2010-00001**

On November 15, 2011 the Stanislaus County Board of Supervisors, through Board Action No. 2011-711 adopted the finding of the Nuisance Abatement Hearing Board for the existence of a nuisance at 1421 Canal Street, Modesto, CA. APN 035-037-012.

This directed staff to conduct a forced Demolition of the Dwelling and Clean-up of the property listed above, if the property owner failed to comply within the time period stated in the Notice and Order which was September 6, 2011.

On December 23, 2011 the Department Planning and Community Development, Building Permits Division conducted the forced Demolition and clean-up at 1421 Canal Street, Modesto, CA. Prior to the Demolition and clean-up, the Building Permits Division staff used the approved methods by the Board of Supervisors and obtained three bids for the action from Contractor's permitted by Stanislaus County.

The Cost Accounting for the Demolition and clean-up is attachment AA.

On February 3, 2011 the billing statement, requesting payment was mailed to Patrick Lebow for Demolition and Clean-up. They were allowed fifteen (15) days to appeal these costs and demand a public hearing. Since an appeal was not demanded within the fifteen (15) days, the Nuisance Abatement Hearing Board is requested to approve the cost accounting for the Demolition and Clean-up as reasonable. It is respectfully requested that the Nuisance Abatement Board find that the bill for the work completed reasonable.

It should be noted that on March 27, 2012 the Board of Supervisors will hear this matter as a consent item.

Prepared By:

Denny Ferreira,
Stanislaus County Building Permits Division



February 3, 2012

APPEAL BILLING FORM

Pursuant to County Ordinance, 2.92.070 (D) 1, California Government Code 25845, and California Health and Safety Code 17980.10 (State Housing Law), you have the right to appeal this billing for reasonableness only. This appeal must occur within fifteen (15) days of the date of this notice. If you wish to appeal the reasonableness of this bill you must return this form to the Planning & Community Department, Building Permits Division, Attn: Steve Treat, Manager at 1010 10th St. Modesto, CA. 95358.

The Nuisance Abatement Hearing Board will hear the appeal on **February 23, 2012 at 6:00 pm** in the Joint Chambers, lower level, at 1010 10th St. Modesto. If you do not appeal, the Nuisance Abatement Hearing Board may find this billing reasonable, and the Stanislaus County Board of Supervisors will be asked to adopt the bill during their next regular meeting. The Stanislaus County Board of Supervisors will specially assess the cost of the abatement against the parcel and shall cause a Notice of Abatement Lien to be recorded on the parcel.

NAME: Patrick David Lebow Jr. and Cynthia Lebow

ADDRESS: 1421 Canal Street, Modesto, CA, 95354

ABATEMENT ACTION DAD#: 2010-00001

Please make note of the above referenced date and time. This is the only notification you will receive regarding when the hearing of this billing will be. There will be no other opportunity for a public hearing. The fact that your property was found to be a nuisance will not be considered at the Billing Appeal Hearing.

3-Feb-12

Paterick David Lebow Jr. and Cynthia Lebow
424 Empire Ave
Modesto, CA 95354

Re: 1421 Canal Street, Modesto CA

Re: BILLING STATEMENT: ABATEMENT ACTION # DAD2010-00001
LOCATION: 1421 CANAL STREET, MODESTO, CA
ASSESORS PARCEL NUMBER: 035-037-012

ORIGINAL DATE OF NOTICE and ORDER: September 6, 2011

Title Search Fee	(1746-43290-40860)	\$75.00
Recording Fees	(1206-40400-40860)	\$0.00
Demolition/Cleanup Contractor Service	(1746-43290-40860)	\$5,971.00
A. Total Costs-Fees to Other Agencies		\$6,046.00
Postage	(1206-40400-40860)	\$40.00
Notice and Order	(1746-43290-40860)	\$82.83
Notice of Hearing to Abate	" "	\$247.02
Enforcement Decisions of Board of Superviso	" "	\$207.08
Field Inspections Prior to Abatement	" "	\$372.74
Administration	" "	\$855.06
B. Total Posting/Field/Administration		\$1,804.73
Nuisance Abatement Hearing	" "	\$248.49
Board of Supervisors Hearing	" "	\$207.08
C. Total Hearing Costs		\$455.57
Total Balance Due by Owner		\$8,306.30

The balance is due and payable upon receipt of statement. Failure of the owner to make total payment upon demand by Stanislaus County shall result in a notice of abatement lien on the subject property pursuant to the provision of California Government Code 12845.

If you have any questions regarding this document, please feel free to call me between the hours of 8:00 am and 5:00 pm at 525-6557.

Steve Treat, Chief Building Official

PROJECT: 1421 Canal
CASE #: DAD2010-00001
Owner/Beneficiary: Paterick Lebow

ADMINISTRATIVE TIME	DATE	TIME	COST	TOTAL
Open case	8/10/10	0.5	\$82.83	\$41.42
Administration research	6/23 & 8/25/11	2.5	\$82.83	\$207.08
Owner contact and parcel research	8/12/10,6/23/11	2	\$82.83	\$165.66
	6/25/ & 7/25/11			
Notice and Order	8/25 & 9/6/11	1	\$82.83	\$82.83
Certificate of Existence Building	8/25 & 9/6/11	1.3	\$82.83	\$103.54
Nuisance Abadement Board Item research	9/14/11	2	\$82.83	\$165.66
Public Hearing Notices to Owner & public	10/14/11	2	\$82.83	\$165.66
Administrative mailings of Public Notices	10/14/11	2	\$40.68	\$81.36
Nuisance Abadement Board Meeting	10/27/11	1	\$82.83	\$82.83
Board of Supervisors agenda item	10/27/11	2	\$82.83	\$165.66
Board of Supervisors meeting	11/15/11	0.5	\$82.83	\$41.42
Purchasing/contract meeting	11/16/11	0.5	\$82.83	\$41.42
Finalize Dangerous Case	2/3/12	3	\$82.83	\$378.12
Nuisance Abadement Board meeting	2/23/12	1	\$82.83	\$82.83
Board of Supervisors Meeting	3/27/12	0.5	\$82.83	\$41.42
Total				\$1,846.88

INSPECTION TIME	DATE	TIME	COST	TOTAL
Initial Inspection and posting	8/10/10 , 6/23/11	2	\$82.83	\$165.66
Posting N&O	9/6/11	1	\$82.83	\$82.83
Progress inspection	11/28/11	0.5	\$82.83	\$41.42
Job site walk w/ purchasing and contractors	12/7/11	0.5	\$82.83	\$41.42
Job site meeting with contractor	12/23/11	0.5	\$82.83	\$41.42
Total				\$372.74

INCIDENTAL EXPENSES	DATE	TIME	COST	TOTAL
Postage	10/14/11	1	\$40.00	\$40.00
Title Search Fee	8/25/11	1	\$75.00	\$75.00
Recording Fees	9/7/11		\$0.00	\$0.00
Demolition and clean up	12/23/11	1	\$5,971.68	\$5,971.68
Total				\$6,086.68

SUB TOTALS

ADMINISTRATIVE TIME	\$1,846.88
INSPECTION TIME	372.74
INCIDENTAL EXPENSES	6,086.68
Total	8,306.30

Invoice 0018 from Lea's Demolition & Excavation

<http://www.aynax.com/printInvoice.php>

Lea's Demolition & Excavation
 P.O. Box 6
 Denair Ca, 95316
 Phone/Fax (209) 620-8095



Stanislaus County Building Department
 1010 10th st.
 Modesto Ca, 95353

INVOICE

Invoice # 0018
Invoice Date 01/07/2012
Due Date 01/13/2012

Item	Description	Unit Price	Quantity	Amount
Service	Demolition of 503,505,507 Kerr rd Modesto	5380.00	1.00	5,380.00
Service	Demolition of 1421 Canal st. Modesto	4930.00	1.00	4,930.00
Service	Asbesto Test for 503, '505, 507 Kerr rd and 1421 Canal St. Modesto	1200.00	1.00	1,200.00
Service	Asbestos Abatement for 1421 Canal st.	600.00	1.00	600.00
Service	Notification fee paid to Air Quality Control.	125.00	1.00	125.00
				Subtotal 12,235.00
				Total 12,235.00
				Amount Paid 0.00
				Balance Due \$12,235.00

NOTES: Invoices made out to Lea's Demo for the Asbestos test and abatement will accompany this invoice. Thank You.

Okay to pay from a faxed copy



Modesto, CA 95352-4816
 Bovee Environmental Management, Inc.

Invoice

Date	Invoice #
12/19/2011	10108

Office # (209) 847-3800 Fax # (209) 847-3830
 Tax ID # 48-1277232

BEM Job #	Client/P.O. #	Terms
11-10108		Upon Receipt

Bill To	Job Site
Lea's Demolition & Excavation Troy Lea P. O. Box 6 Denair, CA 95316	Residential 503/505/507 Kerr Avenue, Modesto 1421 Canal Street, Modesto

Date	Service	Description	Quantity	Rate	Amount
12/15/2011	Asbestos Inspection	Site Inspection, Sample Collection, Analysis & Report		1,200.00	1,200.00

E-mail bem@boveeinc.com	Web Site www.boveeinc.com	Total	\$1,200.00
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BEM, Inc. Thanks You for your business, we appreciate it very much. Invoices that are 30 days past due a 1.5% interest charge will apply per month. Returned Checks will result in a charge of \$35.00.	Payments/Credits	\$0.00
	Balance Due	\$1,200.00

We Accept VISA, Master Card and Discover!!



2011 E. T. ABATEMENT, INC.

POST OFFICE BOX 3958
 MODESTO, CA 95352

Voice: (209) 524-0811

Fax: (209) 523-8463

STATEMENT

Statement Date: Jan 6, 2012
 Customer Account ID: leasdemolition

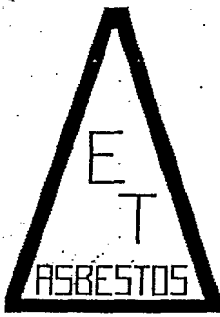
To: Lea's Demolition & Excavation PO Box 6 Denair, CA 95316 US
--

Amount Enclosed
 \$ _____

Date	Pay Date	Reference	Rate	Description	Amount	Balance
1/4/12	1/4/12	11469		1.Pick-up 6 linear feet transite pipe. Removal and Disposal Fee: Located at: 1421 Canal St. Modesto, CA Job Date: December 27, 2011 Thank you for your business, we really appreciate the work...	600.00	0.00 600.00 600.00 600.00
TOTAL					600.00	600.00

600.00	0.00	600.00	Over 90 days
600.00	0.00	0.00	0.00

Thank you for your business. We appreciate your business.



E.T. ABATEMENT INC.

CALIFORNIA CONTRACTOR LICENSE NUMBER 776154

CAL OSHA REGISTRATION NUMBER 743

POST OFFICE BOX 3958

MODESTO, CA 95352

(209) 524-0611

(209) 523-3463 FAX

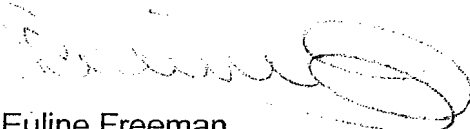


Dear Customer:

I am writing you this letter to inform you of what happens when we (E.T. Abatement, Inc.) comes to your business or your home and remove asbestos and/or lead. We notify CAL-OSHA, EPA, DTSC and other environmental agencies, that we will be removing your asbestos and or lead from your building. From this hazardous material we must manifest it. This manifest (a document) goes with the load of material to the dump. Once we have dumped it, we mail you your copies and the copy to DTSC for you. Once a year, D.T.S.C., will send out a letter, regarding this manifest. If you receive one please call our office and we will help you to fill this form out.

Thank you for your business!

If we can be of further assistance, please call me.


Euline Freeman
VP

Lea's Demolition
678-6802
6' toecansite pipe

NON-HAZARDOUS WASTE MANIFEST

1. Generator ID Number
 2. Page 1 of 1
 3. Emergency Response Phone (209) 524-0611
 4. Waste Tracking Number 11-469

5. Generator's Name and Mailing Address: Stanislaus County, 1010 10th St. Modesto, CA 95353
 Generator's Site Address (if different than mailing address): 1421 Canal St. Modesto, CA 95353
 Generator's Phone: 209/525-6319 Purchasing

6. Transporter 1 Company Name: E.T. ABATEMENT, INC. U.S. EPA ID Number: CAL000213881

7. Transporter 2 Company Name: U.S. EPA ID Number:

8. Designated Facility Name and Site Address: FORWARD LANDFILL, INC., 9999 S. AUSTIN ROAD, MANTECA, CA 95336 (209) 982-4298
 Facility's Phone: U.S. EPA ID Number: CAL000190080

9. Waste Shipping Name and Description	10. Containers		11. Total Quantity	12. Unit Wt/Vol.
	No.	Type		
1. NON FRIABLE ASBESTOS CONTAINING MATERIALS	1	BA	1	Y
2.				
3.				
4.				

18. Special Handling Instructions and Additional Information:
REMOVAL CONTRACTOR IS E.T. ABATEMENT, INC., POST OFFICE BOX 3958, MODESTO, CA 95352 (JOB#555610)
DO NOT BREAK BAGS

14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offero's Printed/Typed Name: *Clint Freeman* Signature: *Clint Freeman* Month: 1 Day: 3 Year: 12

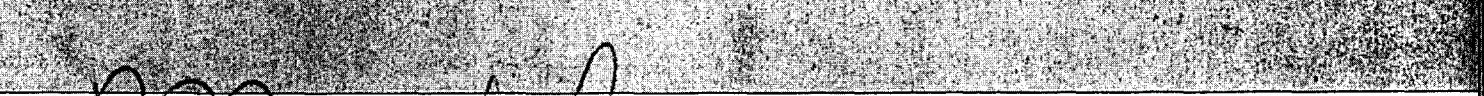
15. International Shipments: Import to U.S. Export from U.S. Port of entry/exit: Date leaving U.S.:

16. Transporter Acknowledgment of Receipt of Materials
 Transporter 1 Printed/Typed Name: *Clint Freeman* Signature: *Clint Freeman* Month: 1 Day: 3 Year: 12
 Transporter 2 Printed/Typed Name: Signature: Month: Day: Year:

17. Discrepancy
 17a. Discrepancy Indication Space: Quantity Type Residue Partial Rejection Full Rejection
 Manifest Reference Number: U.S. EPA ID Number:

17b. Alternate Facility (or Generator): U.S. EPA ID Number:
 Facility's Phone:

17c. Signature of Alternate Facility (or Generator): Month: Day: Year:



18. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 17a
 Printed/Typed Name: Signature: Month: Day: Year:

GENERATOR
INT'L
TRANSPORTER
DESIGNATED FACILITY

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-3

Urgent

Routine

[Handwritten signature]

AGENDA DATE November 15, 2011

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Adopt the Recommendations from the Nuisance Abatement Board's Public Hearing Regarding Dangerous Building Case DAD2010-00001 Located at 1421 Canal Street, Modesto, California

STAFF RECOMMENDATIONS:

1. Adopt the decision from the Nuisance Abatement Board to abate the dangerous buildings located at 1421 Canal Street, Modesto, California.
2. Approve the use of the Dangerous Building Abatement Fund for all costs associated with the abatement of the public nuisance.
3. Direct the Department of Planning and Community Development to recover costs by recording a "Notice of Abatement Lien" against the property in an amount not to exceed \$9,500 in the event the owners and/or interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance Abatement Board.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with the remediation of dangerous buildings within Stanislaus County are funded through the use of the Dangerous Building Abatement Fund. The estimated cost to administer, demolish the structures, and remove all debris and rubbish located at 1421 Canal Street is \$9,500. Cost allocations from the Dangerous Building Abatement Fund are to be reimbursed through the use of an abatement lien or paid for by the responsible parties that have legal ownership of said parcel.

BOARD ACTION AS FOLLOWS:

No. 2011-711

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

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, 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.



NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 1421 CANAL STREET
Abatement Hearing No. DAD2010-00001


The Nuisance Abatement Hearing Board heard the above-referenced matter on **October 27, 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 1421 Canal Street, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 035-037-012, 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 **Patrick David Lebow Jr. and Cynthia Lebow** 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 Nuisances 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 nuisances 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 nuisances 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 nuisances 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: October 27, 2011



Steve Boyd, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **November 15, 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 # DAD2010-00001**

BUILDING INSPECTOR:

Denny Ferreira

PROPERTY ADDRESS, APN AND LEGAL DESCRIPTION:

1421 Canal Street
Modesto, CA. 95354
APN 035-037-012

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

The South 100 feet of Lot 8 (measured along the West line of said Lot and parallel with the South line of said Lot) in Block 1 of Sierra Subdivision, as per Map filed February 20, 1930 in Volume 11 of Maps, Page 15, Stanislaus County Records

APN: 035-037-012

There is Three (3) structures on the parcel. One single family dwelling, one (1) detached 3 car garage and one (1) accessory building. According to the assessors records the structure was built in 1939. The parcel listed herin is located in a residential neighborhood currently zoned R-3 and has an estimated lot size of 0.20 acres. The physical location of this corner parcel is north of the Intersection of Canal street and Kerr Avenue and borders the westerly side of the Modesto Irrigation District Lateral where it intersects Canal street within the Sierra Subdivision.

PROPERTY OWNER INFORMATION:

Patrick David Lebow Jr. and Cynthia Lebow are the owners 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 the transfer of title to said owners was completed on March 19, 1999.

The beneficial interest under said deed of trust was assigned to Mortgage Electronic Registration Systems, Inc., by assignment recorded April 21, 2006, as Instrument 2006-0060666 of Official Records.

A substitution of Trustee which names Executive Trustee Services, LLC dba ETS Services, LLC as trustee recorded July 28, 2008, as Instrument 2008-0081450 of Official Records

In accordance to the title report no "Notice of default" has been filed upon such property.

HISTORY AND CASE INFORMATION:

AUGUST 8, 2010

- Stanislaus County Building Permits Division was notified in regards to two (2) structure fires on said parcel.
- An Inspection of the property was completed and immediately posted. The roof, interior walls and exterior walls of the dwelling and the detached garage were severely fire damaged.
- The Building Permits Division completed an investigation and found that the structure meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, Unsafe to Occupy"

AUGUST 12, 2010

- A letter was sent to the owner(s) listed on the assessor's records, Paterick David Lebow Jr. and Cynthia Lebow. The letter notified the owner that the structure had been burned and the damage to the structure is to such an extent that it is not repairable. The recommendation was made to demolish the remaining portion of the structures.

JUNE 22, 2011

- The Stanislaus County Building Permits Division was contacted in regards to an additional fire that had taken place within the dwelling.

JUNE 23, 2011

- The structures were re-posted and an additional letter was sent to the owner(s) listed on the assessor's records, Patrick David Lebow Jr. and Cynthia Lebow. The letter notified the owner that the structure had been burned and the damage to the structure is to such an extent that it is not repairable. The recommendation was made to demolish the remaining portion of the structures.

June 25, 2011

- The same letter that notified the parcel owners of the conditions that existed on the property, was also sent to ETS Services, LLC because it was unknown at that time if there was a "Notice of Default" on that parcel.

JULY 25, 2011

- Site Inspection performed. No attempt to remove the substandard building had been made.
- A second letter was sent by certified mail notifying the property owner, Patrick David Lebow Jr. and Cynthia Lebow, that positive action must be taken to correct the unsafe and substandard conditions by August 25, 2011. It is noted within the letter that the Building Permits Division will start the legal action, after the mentioned date, in order to abate the unsafe and substandard structure that exists on said property.

July 27, 2011

- Certified mail receipt was returned to indicate that the owner received and signed for the letter.

AUGUST 25, 2011

- Lot Book Guarantee was ordered from Stewart Title.

SEPTEMBER 6, 2011

- Lot Book Guarantee received.
- Site Inspection performed. No attempt to remove the substandard building had been made.
- Posted the structure with a "Notice and Order to Abate" and also sent a "Notice an Order to Abate" to the owner by Certified Mail.

SEPTEMBER 7, 2011

- The Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk Recorder's Office. Doc #11-0073881-00

ENFORCEMENT ACTION TAKEN:

SEPTEMBER 6, 2011

- 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);

SEPTEMBER 7, 2011

- Recorded "Certificate of Existence of Substandard and Dangerous Building" per Title 16 (16.25.30).

OCTOBER 13, 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: 10/27/2011

Denny Ferreira

OFFICER

Approved:



Building Inspector

ATTACHMENT 2

PROJECT: 1421 Canal

CASE #: DAD2010-00001

Owner/Beneficiary: Paterick Lebow

ADMINISTRATIVE TIME	DATE	TIME	COST	TOTAL
Open case	8/10/10	0.5	\$82.83	\$41.42
Administration research	6/23 & 8/25/11	2.5	\$82.83	\$207.08
Owner contact and parcel research	8/12/10,6/23/11	2	\$82.83	\$165.66
	6/25/ & 7/25/11			
Notice and Order	8/25 & 9/6/11	1	\$82.83	\$82.83
Certificate of Existence Building	8/25 & 9/6/11	1.3	\$82.83	\$103.54
Nuisance Abadement Board Item research	9/14/11	2	\$82.83	\$165.66
Public Hearing Notices to Owner & public	10/14/11	2	\$82.83	\$165.66
Administrative mailings of Public Notices	10/14/11	2	\$40.68	\$81.36
Nuisance Abadement Board Meeting	10/27/11	1	\$82.83	\$82.83
Board of Supervisors agenda item	10/27/11	2	\$82.83	\$165.66
Board of Supervisors meeting	11/15/11	0.5	\$82.83	\$41.42
Purchasing/contract meeting	11/16/11	0.5	\$82.83	\$41.42
Finalize Dangerous Case	2/3/12	3	\$82.83	\$378.12
Nuisance Abadement Board meeting	2/23/12	1	\$82.83	\$82.83
Board of Supervisors Meeting	3/27/12	0.5	\$82.83	\$41.42
Total				\$1,846.88

INSPECTION TIME	DATE	TIME	COST	TOTAL
Initial Inspection and posting	8/10/10 , 6/23/11	2	\$82.83	\$165.66
Posting N&O	9/6/11	1	\$82.83	\$82.83
Progress inspection	11/28/11	0.5	\$82.83	\$41.42
Job site walk w/ purchasing and contractors	12/7/11	0.5	\$82.83	\$41.42
Job site meeting with contractor	12/23/11	0.5	\$82.83	\$41.42
Total				\$372.74

INCIDENTAL EXPENSES	DATE	TIME	COST	TOTAL
Postage	10/14/11	1	\$40.00	\$40.00
Title Search Fee	8/25/11	1	\$75.00	\$75.00
Recording Fees	9/7/11		\$0.00	\$0.00
Demolition and clean up	12/23/11	1	\$5,971.68	\$5,971.68
Total				\$6,086.68

SUB TOTALS

ADMINISTRATIVE TIME	\$1,846.88
INSPECTION TIME	372.74
INCIDENTAL EXPENSES	6,086.68
Total	8,306.30