

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

DEPT: Planning and Community Development

BOARD AGENDA # *B-5

Urgent Routine

AGENDA DATE June 9, 2009

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 Case No. DAD2008-00005 at 508 Imperial Ave, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 508 Imperial Avenue, Modesto, California as set forth in Attachment "1".

FISCAL IMPACT:

Demolition cost recovery will be achieved through an Abatement Lien placed on the property, pursuant to California Government Code Section 25845 and 2006 Edition of the International Property Maintenance Code Section 106.

BOARD ACTION AS FOLLOWS:

No. 2009-385

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



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 May 28, 2009 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment "1".

The property is located at 508 Imperial Avenue, Modesto, California 95354 and is zoned R-1 (Single Family Residential District). The property contains a vacant fire damaged structure, debris, refuse and rubbish.

During the course of this investigation it was discovered the property owner, Vetra L. Jones has been deceased since December 1997. The Public Administrator's office subsequently filed a petition and application to summarily dispose of the estate in the Stanislaus Superior Court, Case No. 429803, which was approved on July 17, 2008, authorizing the Public Administer to disburse of the estate in accordance with law.

The Public Administrator's Office originally requested the Department of Environmental Resources clean the property. On January 6, 2009, the Board of Supervisors adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 508 Imperial, and authorized the Department of Environmental Resources to take the following actions to abate the nuisance:

1. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
2. Removing junk in excess of 200 square feet from the premises.
3. Collecting and disposing of all debris, refuse, and rubbish to an approved location.

The Department of Environmental Resources Code Enforcement did not conduct the clean-up, after receiving approval from the Nuisance Abatement Board and the Board of Supervisor's. Code Enforcement contacted the Building Permits Division to request that they include the removal of the debris when the Dangerous Building is raised. The Building Permits Division agreed to be the lead agency to provide efficient government process.

Subsequently, the structure was burned, and is currently in a dangerous condition and is uninhabitable.

The Public Administrator's Office has requested the Planning & Community Development Department Building Permits Division demolish the structure and remove debris from the property. The cost of abatement will be recovered through an Abatement Lien placed on the property and presented in a future Board agenda, after an assessment of final costs.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations as detailed in Attachment "1", the Planning & 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.

1. Demolish the unsafe structure.
2. Collect and dispose of all portions of the structure and debris, rubbish and refuse to an approved location.

POLICY ISSUES:

Acceptance of staff's recommendation would be consistent with the Board priorities of providing a safe community, a healthy community and the efficient delivery of public services by removing dangerous structures through efficient government operations and recovering associated costs.

STAFFING IMPACT:

There is no staffing impact associated with this action.

ATTACHMENTS:

1. Nuisance Abatement Hearing Board Decision
2. Nuisance Abatement Hearing Board Staff Report



NUISANCE ABATEMENT HEARING BOARD

DECISION

**IN RE: 508 Imperial Ave., Modesto, CA.
Abatement Hearing No. DAD2008-00005**

The Nuisance Abatement Hearing Board heard the above-referenced matter on **May 28, 2009**. 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 508 Imperial Ave., Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-047-047, is zoned R-1, Single Family Residential District.
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 and listed in the title report contained in the staff report regarding this matter. The Assessors Inquiry lists as the owner(s) of record for the property as Vetra L. Jones (deceased) but the property has been turned over to the Public Administrator's Office C/O Donna Sutton.
4. All interested parties were served a Notice and Order to Abate 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: **May 28, 2009**



Mike Navarro, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **June 9th 2009** the Board of Supervisors will hear this matter as a consent item.



NUISANCE ABATEMENT HEARING BOARD

STAFF REPORT

508 Imperial Avenue, Modesto, CA

APN: 056-047-047

DATE OF HEARING: May 28,2009

TITLE: Nuisance Abatement Hearing: Case DAD2008-00005

SUPERVISORIAL DISTRICT: 5

ZONING DESIGNATION: R-1 (Single-Family Residential District)

RECOMMENDATION: It is the Planning & Community Development Department Building Permits Division recommendation that after considering the information contained in the attached Inspection Report and any testimony presented, that the Nuisance Abatement Hearing Board find that a nuisance exists at 508 Imperial Ave. Modesto pursuant to Section 2.92 and Section 16.25 of the Stanislaus County Code. If the Nuisance Abatement Hearing Board finds this property to be a nuisance, within thirty days of that finding, the Stanislaus County Board of Supervisors will be asked to adopt, modify or reject that finding. If adopted the Board of Supervisors would:

- Order the interested parties to abate the nuisance by Demolition of the Unsafe Dangerous Building and clean up of the Refuse and Debris.
- Authorize the abatement of the nuisance and charge the cost to the owner(s).
- Authorize the disposal of material removed from the property and charge the cost of removal to the owner.
- Order a lien to be recorded against the property if the owner fails to pay the County for the cost of the abatement.

PREPARED BY:

Steve Treat, Supervising Building Inspector
Planning & Community Development Building Permits Division

ATTACHMENT "A"

**COUNTY OF STANISLAUS
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING PERMITS DIVISION
INSPECTION REPORT**

Supervising Building Inspector: Steve Treat

PROPERTY ADDRESS, APN AND DESCRIPTION:

508 Imperial Ave., Modesto, CA APN: 056-047-047

The parcel contains one structure that is a residential dwelling unit. According to the Stanislaus County Assessor's Office, this parcel is approximately 0.20 acres and according to the Geographical Information system (GIS), this parcel is zoned R-1, Single-Family Residential District (Chapter 21.28) and within a mandatory garbage service area.

PROPERTY OWNER INFORMATION:

Vetra L. Jones is the owner of record according to the Stanislaus County Tax Assessor's Roll. However, records confirmed Vetra L. Jones is deceased. On July 17, 2008 the Public Administrator's Office was appointed the administrator of the estate of Vetra L. Jones.

GENERAL BACKGROUND INFORMATION:

November 1, 2008 the Building Official for Stanislaus County received an after hours complaint of a burned Dangerous Unsafe Structure located at 508 Imperial Ave. Building Inspection Staff made a site inspection that evening and confirmed there to be a Vacant, severely fire-damaged structure.

November 10, 2008 a letter was sent to the Owner to obtain a Demolition Permit, it was returned Unclaimed.

December 8, 2008 a request was issued to the title company to obtain a title report. The title report revealed that Vetra L. Jones is the only owner on title.

December 15, 2008 Building Permits Division received a file endorsed copy of the Ex Parte Order to Summarily Dispose of Estate. The order gives Donna Sutton, Public Administrator Supervisor, the authority to administer the estate, including authority to Demolish, clean all debris and sell the property.

**CONDITIONS OBSERVED
AND FURTHER FACTUAL INFORMATION:**

On November 1, 2008 an after hours call was received from Modesto Fire Department requesting a County Building Inspector. Upon arrival it was observed that a Single Family Residence had significant damage due to fire. The damage was located in the west half of the structure and the roof had collapsed. Utilities were disconnected and the building was then Posted UNSAFE TO OCCUPY, photos were also taken.

On November 7, 2008 a second site visit was performed to confirm the condition of the structure. The condition of the structure was unchanged, however in the front of the property there are pieces of torn carpet, two soiled sofa couches, multiple shopping carts filled with miscellaneous items, worn vehicle tires, a broken wood dresser, discarded automobile seats and other junk and rubbish items.

When entering the back of the property there are piles of discarded wood boards, soiled articles of clothing, a broken and stripped home stereo system, multiple broken pieces of wood furniture and other junk and refuse items. The accumulation of the junk items exceeded 200 sq. feet.

November 10, 2008 Reviewed the Assessors Roll to locate owners name and address. The assessors roll valued the property at \$ 24,795. We mailed the first letter to the owner with instructions to obtain a building permit to demolish the structure. We received the certified letter unclaimed and the postal letter unclaimed on December 1, 2008.

December 8, 2008 Title Search was requested to obtain a record of all owners on the Title. Received the Title report on 12/18/08.

December 15, 2008, Received a file endorsed copy of the Ex Parte Order to Summarily Dispose of Estate, from Donna Sutton Public Administrator Supervisor. The Ex Parte Order gives the Administrator the authorization to Demolish the dwelling and remove the Debris from the property.

February 6, 2009, Moved forward with, Notice and Order, Recordation of Certificate of Existence of Substandard, Dangerous Building.

May 19, 2009 A final site visit was performed to confirm the condition of the structure and site. The site is littered with more debris due to people using it for dumping purposes.

ENFORCEMENT ACTION TAKEN:

February 6, 2009, Completed the Notice and Order to Abate. Posted the Notice and Order on-site pursuant to Section 2.92 and Section 16.25 of the Stanislaus County Code, as defined in Section 108.1.1 of the International Property Maintenance Code, to Donna Sutton, Supervising Public Administrator for the Estate for Vetra L. Jones (deceased). On February 12, 2009 the Planning & Community Development Department Building Permits Division received back the United States Postal Service certified receipt card bearing the printed name and signature of Mary Moyer with the Public Administrator's Office.

VIOLATIONS:

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

1. Unlawful junkyard/accumulation of junk on the premises. This is a Violation of Sec. 21.28.020 of the Stanislaus County Code.
2. Unlawful accumulation of debris, refuse and rubbish. This is a violation Of Sec. 9.04.020 and Sec. 9.04.040 of the Stanislaus County Code.
3. 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.
4. Unsafe structures 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.
5. 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.

Staff Inspection Report: 508 Imperial Ave

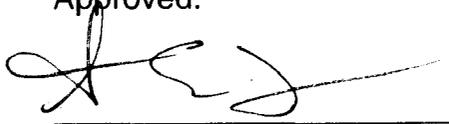
DECLARATION:

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

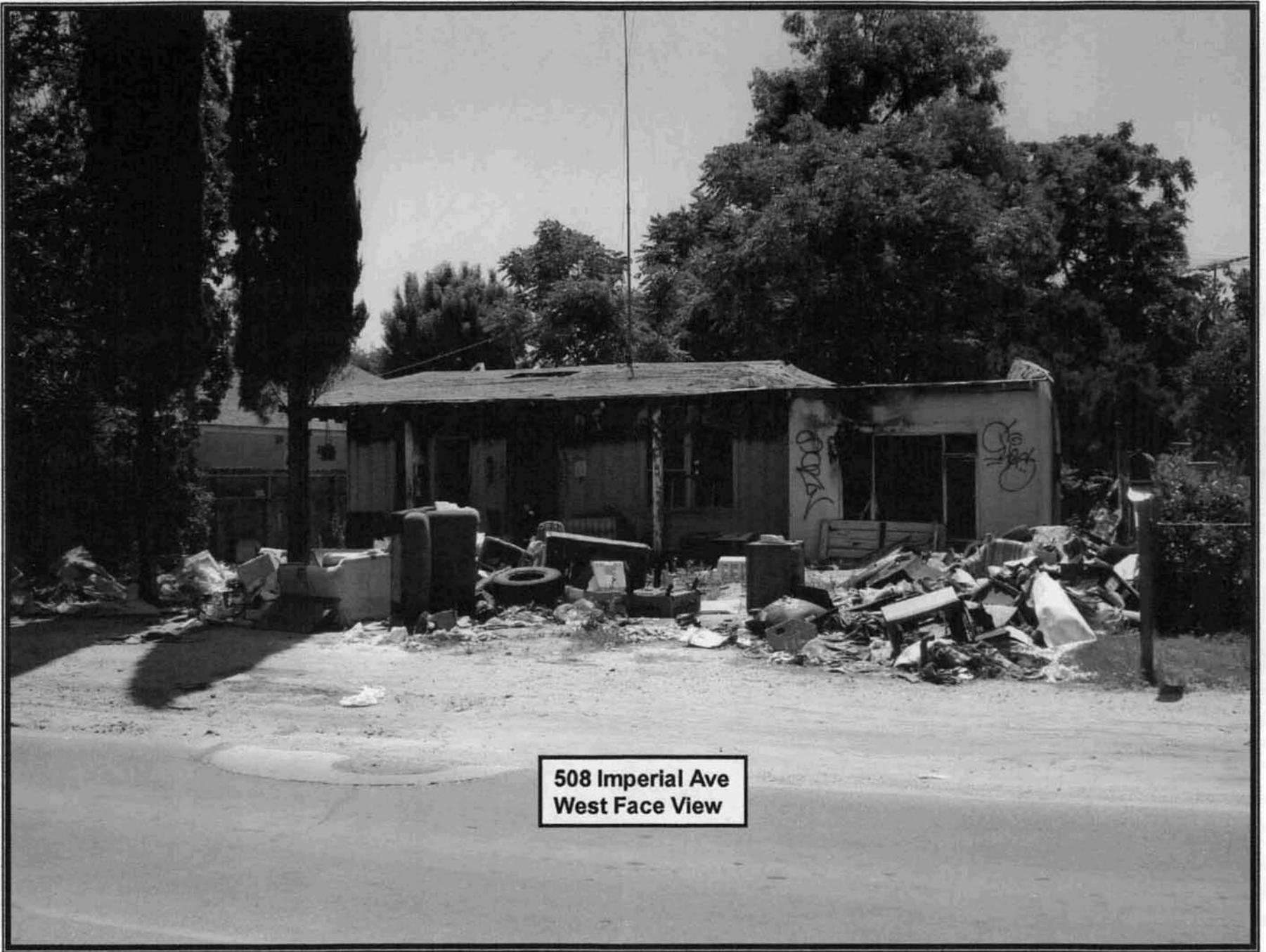
DATE: 5-20-09

STEVE TREAT
OFFICER

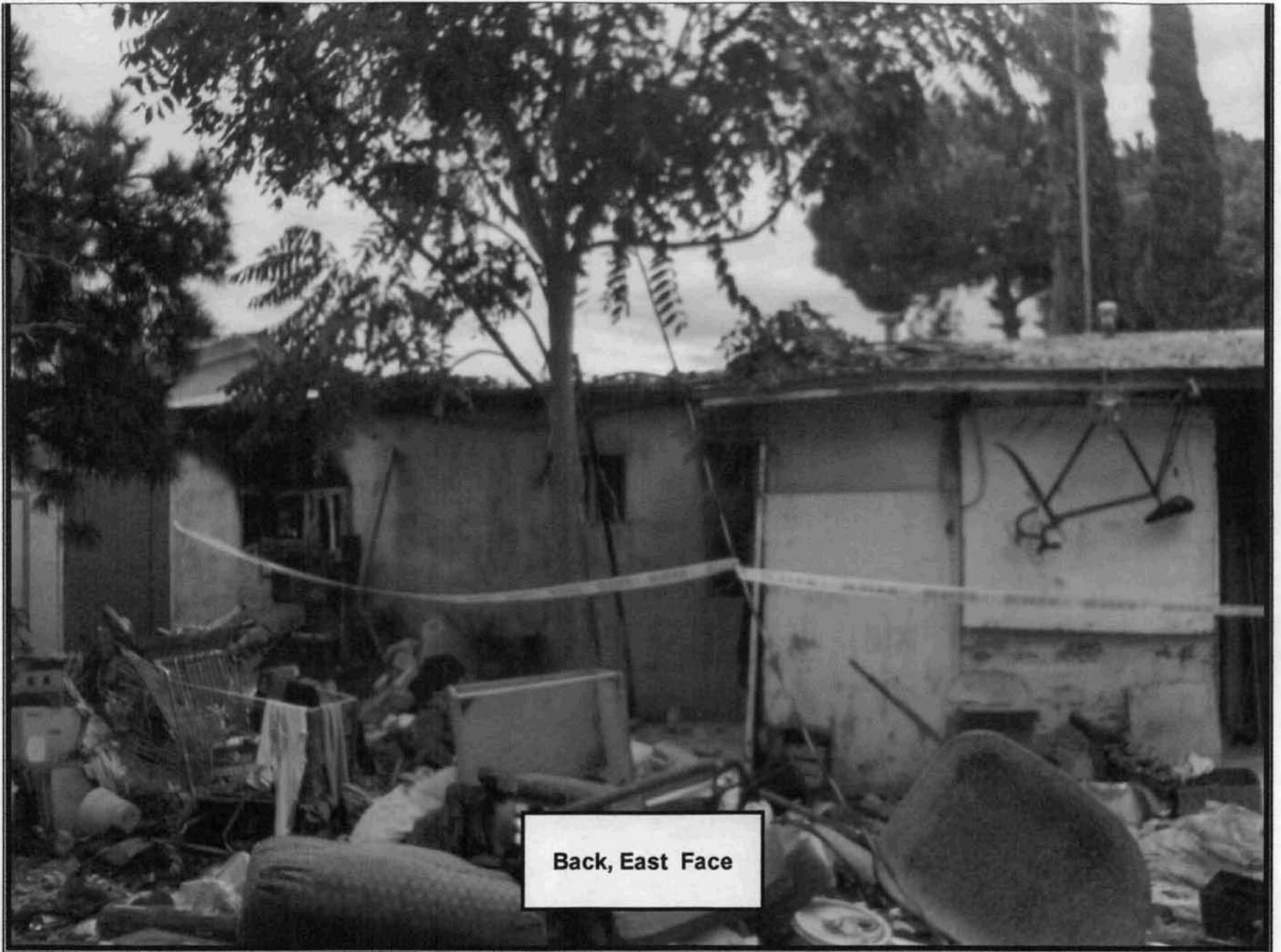
Approved:



Steve Treat
Supervising Building Inspector



**508 Imperial Ave
West Face View**



Back, East Face



**Interior Kitchen Area
South Face**



Stanislaus County Sheriff's Department

ADAM CHRISTIANSON
Sheriff

Public Administrator
250 E. Hackett Road, Room 215
Modesto, CA 95358

Telephone: (209) 567-4454

MEMORANDUM

To: Dennis Wister – Building Dept

From: Donna Sutton, Supervising Public Administrator

Date: 12/ 15/2008

Re: 508 Imperial Avenue, Modesto
Estate of Vetra Jones

I have enclosed a file-endorsed copy of the Ex Parte Order to Summarily Dispose of Estate for the above-named estate for your file. This Order gives the Public Administrator the authority to administer the estate including evicting the persons living in the residence and selling the property as well as giving your department the authorization to demolish the residence which has been partially burned.

Please send any notices you are required to give to our office at 250 E. Hackett Road, Room 216, Modesto, CA 95358

If you have any questions, please call me at 567-4454.

1 JOHN P. DOERING, County Counsel sbn 148907
2 VICKI FERN de CASTRO, Deputy sbn 79940
3 1010 Tenth Street, Suite 6400
4 Modesto, CA 95354
5 Telephone: (209) 525-6376
6 Facsimile: (209) 525-4473

7 Attorney for PUBLIC ADMINISTRATOR

FILED

03 JUL 17 PM 4:40

CLERK OF SUPERIOR COURT
COUNTY OF STANISLAUS

MARIA G. CORTEZ

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

9
10
11 In re estate of

12 VETRA L. JONES, aka VETRA LUCILLE
13 JONES,

14 Deceased.
15

) Case No. 429803

) EX PARTE ORDER TO SUMMARILY
) DISPOSE OF ESTATE
) (Probate Code § 7660)
)
)
)

16
17 The Public Administrator's petition and application to summarily dispose of the
18 estate of the above-named decedent pursuant to Probate Code § 7660, having been
19 read and considered in Department 22 by the Honorable Loretta Murphy Begen,
20 Judge, the Court finds that the facts set forth in the petition are true, that the above-
21 named decedent died on or about December 3, 1997, a resident of the County of
22 Stanislaus, State of California, leaving an estate consisting wholly of real and/or
23 personal property which does not appear to exceed the amount prescribed in Probate
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1 Code § 13100 and which should be administered pursuant to Probate Code § 7660.

2 Good cause appearing:

3 IT IS HEREBY ORDERED that the Public Administrator of the County of
4 Stanislaus is authorized and directed to:

- 5 1. Withdraw money of the decedent on deposit in a financial institution.
- 6 2. Collect any debts owed to the decedent.
- 7 3. Sell personal property of the decedent, with or without notice at the
8 election of the Public Administrator.
- 9 4. Sell real property of the decedent subject to Article 6 (Commencing with
10 §10300) of Chapter 18 of Part 5 of the Probate Code.
- 11 5. Disburse the estate in accordance with Probate Code Sections 7662 and
12 7663.

15 Dated: July 17, 2008

16 LORETTA MURPHY BEGEN
17 LORETTA MURPHY BEGEN
18 Judge of the Superior Court