

# Resolution No. 2009-01

[City Council Meeting Minutes of Jan 5 2009](#)

## RESOLUTION NO. 2009-01

A RESOLUTION of the City Council of the City of Lakewood, Washington, confirming the assessment of charges in the amount of \$19,511.64 as a special assessment against property located at 10116 47<sup>th</sup> Avenue SW for abatement of a dangerous building and public nuisance conditions and authorizing said charges to be certified for collection in the same manner as for property taxes

WHEREAS, in connection with the incorporation of the City of Lakewood, Washington, the City Council adopted a number of health and safety codes and regulations, including regulations providing for fire, building, housing, litter, and other regulations to address adverse and negative impacts on citizens and property in the City; and,

WHEREAS, the City's code enforcement actions achieve a high degree of success through communication with property owners and dissemination of information about the health and safety codes of the City; and,

WHEREAS, in a small number of code enforcement cases the City may use progressively aggressive warning letters, notices to abate, and notices of infractions filed with the Municipal Court in order to achieve positive responses from persons responsible for properties that are in violation of the City's adopted codes; and,

WHEREAS, notwithstanding the efforts described above, a property located at 10116 47<sup>th</sup> Avenue SW was subjected to unpermitted and substandard additions and modifications, fire damage, and ongoing occupancy despite the unsafe conditions, and the person or persons responsible for the property could not or would not avail themselves of the opportunity to quickly and cooperatively remove these nuisance and dangerous building conditions; and,

WHEREAS, based upon a public hearing held on December 1, 2008, it is the finding of the City Council that it was appropriate to expend \$19,511.64 to abate nuisances and dangerous buildings located at 10116 47<sup>th</sup> Avenue SW to protect the public health, safety and welfare; and,

WHEREAS, abatement of public nuisances and the procedures therefore are specifically enumerated and authorized under LMC 15A.32, under the Uniform Code for the Abatement of Dangerous Buildings, under RCW 35.80.030, and under RCW 7.48, and those procedures were followed in this matter; and,

WHEREAS, as authorized in pertinent codes and statutes, it is appropriate also for the City of Lakewood to seek recovery of fees, compensation for the cost of staff time, and charges expended in abating said nuisances, thereby recovering public funds used in this manner; and,

WHEREAS, an itemized statement of funds expended, and a description of the conditions contained upon the property are set forth in the Report of the Building Official, is identified as Exhibit "A" to this Resolution and the same documents are on file with the Office of the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. That in protecting the public health, safety and welfare, it was necessary to abate nuisance conditions and dangerous buildings upon property located at 10116 47<sup>th</sup> Avenue SW within the City of Lakewood, Washington. It is further appropriate to certify and confirm the assessment of charges for this abatement against the property, recording charges in the amount \$19,511.64 on the county tax assessment rolls, and thereafter creating a special assessment against and a lien upon the property for this amount. Further, upon the passage of this resolution and thirty (30) days, as allowed under the Uniform Code for the Abatement of Dangerous Buildings, the special assessment shall bear interest at the rate of twelve (12) percent per year from and after that date.

Section 2. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 5<sup>th</sup> day of January, 2009.

CITY OF LAKEWOOD

Attest:

\_\_\_\_\_  
Douglas G. Richardson, Mayor

\_\_\_\_\_  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney

**?EXHIBIT A?**

**REPORT OF THE BUILDING OFFICIAL ON ABATEMENT**

**OF PUBLIC NUISANCE AND DANGEROUS BUILDINGS**

DATE: December 24, 2008

PROPERTY OWNER: Yong Ae Olson

PROPERTY ADDRESS: 10116 47<sup>th</sup> Ave. SW, Lakewood, Washington

TAX DESCRIPTION: Section 01 Township 19 Range 02 Quarter 23 M & M 3RD ADD: M & M 3RD ADD L 4 B 6 SUBJ TO UTILITY EASE SUBJ TO PSPL EASE

PARCEL NO.: 5400300930

TOTAL AMOUNT EXPENDED ON ABATEMENT: \$19,511.64

**REPORT OF THE BUILDING OFFICIAL**

In this matter Mark Nelson, the Building Official for the City of Lakewood, cites the following facts and procedural steps relevant to the abatement performed on the above-identified property, as follows:

1. Based upon inspections by the Building Division and a report from City of Lakewood Code Enforcement Officer Doug Price, in March, 2007, it was determined that the property located at 10116 47<sup>th</sup> Ave. SW contained public nuisances and the house had multiple unpermitted, substandard additions, had been damaged by fire, had unpermitted, substandard wiring and other repairs, and continued to be occupied despite repeated warnings and "Do Not Occupy" notices.
2. On March 9, 2007, the City of Lakewood posted the property with a Notice and Order to Abate Public Nuisance and Dangerous Buildings. The notice declared the property a public nuisance and containing dangerous buildings. The property owner was ordered to clean the property and obtain permits to repair or demolish the buildings no later than March 30, 2007. The notice was mailed to the property owner via certified US mail. There was no appeal of the order.
3. Over the subsequent nine months, despite repeated efforts by the City to help the owner resolve the violations, and despite repeated warnings and criminal charges, the owner persisted in occupying the house and having unpermitted work performed on it.
4. On December 14, 2007, the City filed a Certification and Notice of Intent to Abate Dangerous Building and Public Nuisance with the Pierce County Auditor.
5. On August 4, 2008, having solicited bids from various contractors listed on the City's Small Works Roster, the City entered into a contract with Woodland Industries GC, Inc., a licensed contractor, to perform the abatement of the property.
6. On or about September 26, 2008, the contractor completed the abatement.
7. Funds were expended on various dates to conduct the abatement, properly notify the property owner, and conduct the public hearing, as follows:

Abatement contract with Woodland Industries GC, Inc. \$ 16,862.92

Recording notice of intent to abate with Pierce County Auditor \$ 43.00

Publication of notice of public hearing \$ 59.15

Costs of mailing notices by certified mail \$ 15.83

Cost of staff time \$ 2530.74

Total costs \$ 19,511.64

8. The Lakewood City Council held a public hearing regarding this matter on December 1, 2008. Notice of this public hearing was posted on the property and mailed to the property owner via certified mail, in accordance with the requirements of the Uniform Code for the Abatement of Dangerous Buildings. Notice of the hearing was also published in The News Tribune on November 6, 2008. During this public hearing, testimony was taken from City officials and a representative of the property owner.

Signed this 24th day of December, 2008.

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Mark Nelson, Building Official

City of Lakewood