

City of Blaine
Request for Council Action
Meeting Date: August 12, 2019

Subject: 665 Peace Portal Drive Demolition

Department: Community Development Services

Prepared By: Timothy Woodard

(Digital Signature)

Agenda Location: Consent Agenda Council Action Unfinished Business

Attachments:

1. **Resolution 1767-19**
 2. **ITEMIZED COST REPORT FOR DEMOLITION OF DANGEROUS BUILDING AT 665 PEACE PORTAL DRIVE, BLAINE, WA 98230.**
-

Background/Summary:

In May of 2017, a Notice and Order was issued to the owner of 665 Peace Portal Drive that ordered that portion of the building to be demolished. The owner did not appeal the order. The City demolished the building pursuant to the requirements of the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB).

The following are expenses accrued during the demolition process: asbestos surveying; engineering evaluations; the installation of guard rails along the sidewalk; legal fees; and other costs associated with the demolition. Upon completion of the demolition, the UCADB requires the Public Works Director to produce a report that itemizes the costs of all the expenses incurred and present that report to the City Clerk.

The City Clerk noticed the required parties of the hearing of the Director's report, and all protests and objections as required by the UCADB. This Council meeting will act as such hearing. The Council is authorized to make any revisions, corrections, or modifications to the report. When the Council is satisfied with the report and the charge, it shall be confirmed or rejected. The Council's decision in this matter is final.

Budget Implications: Current Budget New Budget Request Non-Budgetary

This item was specifically budgeted for in the past and paid for from that fund. No expenses are incurred from confirming or rejecting this report together with the charge.

Recommendation:

Staff recommends City Council approve Resolution 1767-19, to consider the acceptance of the account of expense report for the demolition of the dangerous building at 665 Peace Portal Drive, Blaine, WA 98230.

Reviewed By:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

RESOLUTION NO. 1767-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLAINE, WASHINGTON, REGARDING THE PUBLIC WORKS
DIRECTOR REPORT OF ACCOUNT EXPENSE AND
ASSESSING COSTS FOR THE DEMOLITION OF A
DANGEROUS BUILDING AT 665 PEACE PORTAL DRIVE,
BLAINE, WASHINGTON, IN ACCORDANCE WITH CHAPTERS
8.14 AND 2.54 BLAINE MUNICIPAL CODE AND THE UNIFORM
CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings, adopted by the City of Blaine, Washington, in Blaine Municipal Code 8.14.060, provides for the orderly abatement of dangerous buildings; and

WHEREAS, on May 5, 2017, in accordance with said Code, the City Building Official did declare the structure located at 665 Peace Portal Drive, Blaine, Washington, identified by Whatcom County Tax Parcel No. 415136 499023 0000 (the "Property"), to be a dangerous building; and

WHEREAS, on May 8, 2017, the City of Blaine caused a Notice and Order – Determination of Dangerous Building ("May 2017 Order") to be served on Guenter Mannhalt, the owner of record of the Property ("Owner"), which required the Owner to submit a demolition permit application to the City within 30 days of the Notice and Order, commence demolition within 60 days of permit approval, and complete demolition no later than 90 days from permit approval; and

WHEREAS, on June 9, 2017, the City Building Official caused a second Notice and Order – Determination of Dangerous Building ("June 2017 Order") to be served on the Owner, which in addition to the requirements of the May 8th Notice and Order, required the building located on the Property be vacated within 30 days therefrom; and

WHEREAS, the Owner did not appeal either the May 2017 Order or the June 2017 Order; and

WHEREAS, on July 28, 2017, the City Building Official executed a Certificate of Dangerous Building ("Certificate") indicating that the building located on the Property ("Building") had been declared a dangerous building and that the owner had been so notified; and

WHEREAS, the City Building Official caused to be recorded with the Whatcom County Auditor the Certificate and the May 2017 Notice and Order – Determination of Dangerous Building and Certificate of Dangerous Building under Whatcom County Auditor's File No. 2017-0702384 and No. 2017-0800001; and

WHEREAS, after inspection of the Property, the City Building Official determined that the Owner had not complied with either the May 2017 Order or the June 2017 Order in that the dangerous building remained on the Property, except that the Property was vacated, and

therefore on February 1, 2019, the City served the Owner with a Notice of Failure to Commence Work and Notice of Commencement of Demolition by the City; and

WHEREAS, the City thereafter did undertake the demolition of the dangerous building; and

WHEREAS, on July 25, 2019, the City served on the owner of record of the Property a Notice of Hearing on Costs of Dangerous Building Abatement together with an itemized list of the costs incurred by the City as a result of the abatement of said dangerous building located on the Property as required by the Blaine Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, on July 25, 2019, the City posted the Notice of Hearing on Costs of Dangerous Building Abatement on the Property and caused such Notice of Hearing to be published in the newspaper of general circulation as required by the Blaine Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, on August 12, 2019, a report of the costs of the abatement of the dangerous building on the Property was submitted to the City Council and the City Council held a public hearing thereon to hear any protests to the costs by interested persons, and to consider whether to declare said charges to be a personal obligation of the owner, or to assess said charge against the Property, and to direction actions to secure the payment of or to collect such charges.

NOW, THEREFORE, the City Council of the City of Blaine, Washington, having reviewed the report of the itemized costs for the abatement of the dangerous building on the Property and after hearing any protests thereon, be it resolved that:

SECTION 1: The report and itemized costs for the abatement of the dangerous building located at 665 Peace Portal Drive, Blaine, Washington, totaling \$283,178.03 is a complete and appropriate tabulation of the costs of abating said dangerous building.

SECTION 2: In accordance with the Blaine Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings Section 905.3 and Section 908, the full cost of abatement, the City Council determines and confirms that the charges of \$283,178.03, and directs the same to be recorded on the assessment roll, and thereafter shall be a special assessment against and a lien upon the real property located at 665 Peace Portal Drive, Blaine, Washington, identified by Whatcom County Tax Parcel No. 415136 499023 0000, along with any costs incurred in filing or processing such a lien and attorneys' fees and costs related to the foreclosure on said lien.

SECTION 3: The City Council further directs that certified copies of the assessment shall be given to the County Assessor and County Auditor for collections of taxes.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, at a regular meeting held this 12th day of August, 2019, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

Bonnie Onyon, Mayor

ATTEST/AUTHENTICATE:

Samuel Crawford, City Clerk

APPROVED AS TO FORM:

Jonathan K. Sitkin
City Attorney

**CITY OF BLAINE ENFORCEMENT AND DEMOLITION COSTS FOR DEMOLITION OF DANGEROUS
BUILDING
AT 665 PEACE PORTAL DRIVE**

Item	Date(s) Incurred	Cost
TRCT Asbestos Sampling & Analysis - Asbestos Survey	November 2017	\$ 3,180.00
Ashley and Vance Engineering - Engineering Opinion	February 2017	\$ 711.93
Dirt Works, Inc. - Demolition of Building and Disposal of Waste	May – June 2019	\$ 247,836.00
NW Fence - Safety Fence	April 2019	\$ 13,908.17
Visa Charges		\$ 125.53
Staff Time: Building Official Tim Woodard: 37 Hours @ \$60/hour	November 2016- June 30, 2019	\$ 2,220.00
Staff Time: Public Works Operations Supervisor Leroy Dougall: 19 Hours @ \$71.79/hour		\$ 1,364.01
Staff Time: Public Works Director Ravyn Whitewolf: 9 Hours @ \$85.15/hour		\$ 766.35
City Attorney Fees and Costs	November 2016- June 30, 2019	\$ 13,066.04
TOTAL FEES FOR ENFORCEMENT AND DEMOLITION		\$ 283,178.03