

Project title: Resolution authorizing recovery of abatement costs.**Council Bill #** *interoffice use***Agenda dates requested:**

April 27, 2022

Briefing

Proposed action

Consent

Action

Ordinance

Public hearing

Yes No **Budget amendment:**Yes No **PowerPoint presentation:**Yes No **Attachments:**Proposed Resolution,
Summary of Activities, Report
of Expenses, Hearing
Examiner Order, Code Official
Order, Contractors Invoice,
Notice of Payment Due,
Notice of Council Hearing,
Photographs**Department(s) involved:**Permit Services – Code
Enforcement**Contact person:**

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Initialed by:

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Department head

Administration

Council President

Project: *A Resolution authorizing recovery of abatement costs pursuant to EMC 1.20.090 at 2010 Lexington Ave.***Partner/Supplier :** *(Partner, etc.)***Location:** *If relevant***Preceding action:** *Previous council /committee***Fund:** *Department fund example: 004/Admin***Project summary statement:**

The Everett Municipal Code (Section 1.20.090) authorizes the City to abate code violations and recover the abatement costs. On January 19, 2022, the City was informed by the Police that upon inspection of 2010 Lexington Avenue, Everett (the "Property"), it was found that the residential structure was unlawfully occupied. On January 26, 2022, the City ordered that the residential structure be vacated immediately and the residential and accessory structures be secured from trespass. The property owner (the "Owner") failed to comply with this order. On February 27, 2022, the City, through a contractor secured, the structures from trespass. Previous to this, on December 2, 2021 the City's Hearing Examiner held that code violations existed on the Property and imposed a penalty of \$1800 against the Owner. The Owner failed to pay the abatement costs and penalty, which are now past due. This Resolution authorizes placement of an assessment lien on the property on or after April 27, 2022 in the amount of the outstanding costs of abatement and the penalties imposed by the Examiner, which total \$7163.73.

Recommendation (exact action requested of Council):

Adopt Resolution authorizing recovery of abatement costs pursuant to EMC 1.20.090 at 2010 Lexington Avenue.



RESOLUTION NO. _____

A RESOLUTION authorizing recovery of abatement costs pursuant to EMC 1.20.090 at 2010 Lexington Avenue, Everett, Washington.

WHEREAS,

1. The Everett Municipal Code (the "EMC") Section 1.20.090 authorizes the City to abate code violations and recover the abatement costs; and
2. The parcel number of the Property is 00-5447-001-001-00, and abbreviated legal description:

PINEHURST BLK 001 D-00 - LOTS 1-2-3
3. On December 2, 2021 the City's Hearing Examiner issued an Order against the property owner, Estate of Kris Eileen Fisher, (the "Owner"), Anthony Burnett (the "Tenant" and son of "Owner"), and Blake E. Lawson (the "Tenant") requiring them to immediately vacate the residential structure, secure from trespass all structures, and remove all nuisance violations from public view, and the Examiner imposed a \$4500 penalty against the Owner and the Tenant of which \$2700 was suspended pending compliance to the Order; and
4. On January 19, 2022, the City was informed by the Police that upon inspection of the property (the "Property"), they found that the residential structure was unlawfully occupied; and
5. On January 26, 2022, an Order of the City of Everett Code Official was sent to the Owner requiring vacation of the residential structure and securing of the residential and accessory structures from trespass and explaining that failure to do so would result in the City abating the violations on the Property; and
6. The International Property Maintenance Code authorizes the code official to order a residential structure that is found to be unfit for human habitation to be properly secured from entry, and may cause property to be secured at the owner's cost, if the owner fails to do so within a specified time; and
7. The Owner failed to abate the violations by the date set by the Order; and
8. The City, through a contractor, secured the residential and accessory structures from trespass on February 27, 2022; and

9. In accordance with EMC 1.20.090, the cost of properly securing a property, together with any penalties imposed by the Hearing Examiner, may become a lien against the property subject to interest accrued at the same rate and in the same manner as delinquent taxes; and
10. The City incurred costs in the amount of \$5363.73 in its abatement of the violations and the Hearing Examiner imposed a penalty of \$1800 against the Respondent; and
11. Notice of Council's consideration of this Resolution was provided to the Owner;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND EVERETT CITY COUNCIL THAT:

The costs and penalties set forth in the report attached hereto is confirmed for the Property. The City Treasurer is authorized to certify the amount due and owing to the County Treasurer, which amount shall then be entered as an assessment upon the tax rolls against the Property with interest as provided by law.

Councilmember introducing resolution

Passed and approved this ____ day of _____, 2022.

Council President