

Introduced by: Mayor Richard Robb
Date: July 10, 2018
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution #18-12

A RESOLUTION BY THE BETHEL CITY COUNCIL DECLARING THE PROPERTY ON OSAGE, GENERALLY DESCRIBED AS LOT 2B, BLOCK 6, PLAT #82-15, BETHEL ALASKA, A PUBLIC NUISANCE AND FIRE HAZARD AND ORDERING THE ABATEMENT THEREOF

- WHEREAS**, pursuant to Bethel Municipal Code (BMC) section 15.04.010, the Bethel City Council received a written report on June 12, 2018 from the City Manager, via his designee, the City Planner, that property located at 220 Osage as identified on the City's address map, constitutes a fire hazard and public nuisance;
- WHEREAS**, the legal description of the property is Lot Two "B", Block Six (6), Resub of U.S. Survey 3770, NORTHWEST ADDITION TO THE TOWNSITE OF BETHEL, according to the official plat thereof, filed under Plat 82-7, recorded in the Bethel Recording District, Fourth Judicial District, State of Alaska, subject to reservations, exceptions, easements, covenants, conditions and restrictions of record, if any;
- WHEREAS**, pursuant to BMC 15.04.010(b), after receiving the report regarding the potential nuisance, the Bethel City Council set a hearing for June 28, 2018 and directed the City Clerk to notify all necessary parties;
- WHEREAS**, notice to property owners was provided by the City Clerk prior to the hearing, including publication in the local newspaper;
- WHEREAS**, a hearing on the matter was held on June 28, 2018, pursuant to BMC 15.04.010(D);
- WHEREAS**, the City Planner, Betsy Jumper, presented evidence that the property described herein constitutes a public nuisance and a fire hazard;
- WHEREAS**, specifically, the Planner presented evidence that while the site it not safe for inspection, from the roadway she could see that there are piles of fragmented wood reaching 5' or more from the ground, and a collection of fuel tanks(s), sewer tank, appliances, wood, broken glass, metal, and other common household objects scattered across the property;
- WHEREAS**, the property which consists of a significant downward grade, backs up to Brown's Slough which ultimately connects to the Kuskokwim River; the containment of the fire utilized chemicals creating a concern of hazardous material runoff from this property to the slough and the soil below which is a health and environmental concern;

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WHEREAS, the mass of debris that remains on the property is an attractive nuisance and is a substantial safety risk to those that may enter the property to include children who frequent the 4-H Youth Facility across the street from the property;

WHEREAS, a portion of the residential home remains standing, the structural stability of the building is in question as it is a raised structure having had substantial damage by the fire;

WHEREAS, finally, in the Report provided by the City Planner, a notice of public nuisance was placed on the property September of 2017, and mailed to all known owners but to date, the owners of the property have not contacted the City of Bethel or made any attempt to abate the nuisance;

WHEREAS, no one representing the property owners, their heirs or devisees attended the June 28, 2018 hearing;

WHEREAS, based on all of the above information presented, the Council finds that there exists on the property a fire hazard and public nuisance that requires abatement.

THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF BETHEL:

The property located at 220 Osage, Bethel, Alaska, by reason of the debris remaining on the property, the significant potential for fire and the unsafe condition of the remaining structure(s) on the property, constitutes a public nuisance and fire hazard.

Pursuant to BMC 15.04.020(B), the City Council orders the property owner to remove the hazards and public nuisance to include but not be limited to:

- Removal of the debris/trash/scrap wood, metal/appliances/broken glass etc.
- Removal of the remains of the residential building by the imposed deadline unless before that date, it is determined by a licensed contractor that the building is structurally secure or has been made structurally secure.

Removal of the hazards and public nuisance shall be completed no later than 15 days after final written notice is mailed to the owner. If the hazards and public nuisance are not removed by the imposed deadline, the City Attorney is directed to commence all appropriate legal proceedings to cause the abatement of the public nuisance and fire hazard.

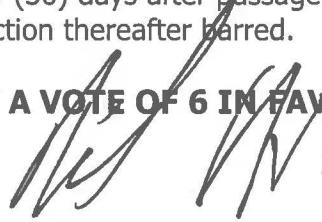
The City Clerk is directed to, at minimum, cause a copy of this Order to be conspicuously posted on the property and to mail a copy to the property owners.

As provided in BMC 15.04.020 C. at any time before the date set for completion of removal or demolition, the owner of the property may request a rehearing. The request for rehearing shall include a notarized statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazards or nuisance found by the City Council.

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Any property owner or person claiming ownership who, wishes to contest the validity of these proceedings in a court of law must do so within thirty (30) days after passage of this Order or all objections shall be deemed waived and all legal action thereafter barred.

ENACTED THIS 10th DAY OF JULY 2018 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor



Lori Strickler, City Clerk