



City of Valdez
ALASKA

Department of Community
Development

June 13, 2017

Dustin Wolfenden & Toni Russell
P.O. Box 1693
Valdez, AK 99686

ABATEMENT NOTICE AND ORDER
Lot 12, Block 5, Mineral Creek Subdivision
156 Gulkana Street

Dear Mr. Wolfenden & Mr. Russell-

The real property having the legal description as Lot 12, Block 5, Mineral Creek Subdivision, and located at 156 Gulkana Street, Valdez, Alaska, is owned by you, and is occupied by several junk vehicles. As such you are committing, creating and maintaining a public nuisance in violation of the Valdez Municipal Code, as more specifically set forth below.

Section 8.20.040 of the Valdez Municipal Code relating to junk vehicles outlines the violations on the property:

8.20.040 Junk vehicles.

- A. It is unlawful for any person to place upon public property not set aside by law as a refuse disposal, or upon any private property, except licensed junk yards, any wrecked, junked or abandoned vehicle.
- B. It is unlawful for any owner, lessee, agent, tenant or occupant to allow or permit to remain on any property owned or controlled by him, except licensed junk yards, any wrecked, junked or abandoned vehicle.
- C. Any violation of subsection A or B of this section shall constitute a public nuisance. The costs of abatement may be charged or assessed by the city council as provided by Section [8.20.150\(B\)](#) against any or all of the following:
1. The vehicle;
 2. The registered owner of the vehicle;
 3. Any person who has acquired the right to possession of the vehicle from or through the registered owner;
 4. Any person in violation of subsection A or B of this section;
 5. The owner, lessee, agent, tenant or person in control of the property where the vehicle was situated at the time of the notice to abate.
- D. As used in this section:
1. The term "abandoned" includes any vehicle which, at the time of the notice of abandonment, cannot be operated as a motor vehicle in compliance with the laws of the state because of mechanical failure or condition.
 2. The term "vehicle" means any motor vehicle as defined in this code and includes any body or part of any such motor vehicle.
- E. A person having upon his premises an abandoned vehicle which is in need only of reasonable repairs and is without available funds to obtain the required license or to make such repairs may apply to the city manager for a permit to keep the vehicle upon the premises. (Ord.11-02 § 1 (part): prior code § 16-4)

The City of Valdez has received numerous complaints from adjacent property owners about the potential devaluation of their property because of the nuisance violations on your property. The City's repeated attempts to engage you about this abatement issue have been unsuccessful.

This notice will serve as final notice and order of abatement. **If corrective action (as outlined in the following Statement of Action) is not completed by July 13, 2017 the City of Valdez will file an application with the Court compelling you to take action to abate the nuisance and requesting such other relief as may be appropriate. Additionally, as provided by the Valdez Municipal Code, the City of Valdez will begin assessing allowable fines. Please be advised, the City may fine up to \$300 per day, per violation. All costs, including fines, court fees and legal expenses, associated with this abatement will be placed as a lien on Lot 12, Block 5, Mineral Creek Subdivision.**

STATEMENT OF ACTION

As the owner of record, Dustin Wolfenden shall comply with the following actions:

- 1) No later than fifteen (15) days from the date of this letter, being June 28, 2017, you must commence the removal and disposal (at an approved disposal site) of the junk vehicles on the property.
- 2) No later than thirty (30) days from the date of this letter being July 13, 2017 you must complete the removal and disposal (at an approved disposal site) of junk vehicles on the property.
- 3) The City of Valdez has the right to assess a fine of not more than \$300 for each occurrence of a violation in the manner provided in the Valdez Municipal Code. Failure to act on this notice will invoke such action on the part of the City.
- 4) If this required abatement is not commenced or completed within the time specified, the Community Development Director will submit to the Court an application to enjoin the violation as provided for in Section 8.20.100(4)(b) of the Valdez Municipal Code and as provided by AS 29.25.070. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.
- 5) The City may, but is not required to, proceed to cause the necessary abatement work to be done and to charge the cost thereof against the subject property or its owner.
- 6) All costs associated with the abatement and court proceedings, and related fees shall be placed as a lien on Lot 12, Block 5, Mineral Creek Subdivision.

OPPORTUNITY TO APPEAL

Any person having record title or legal interests in the property may appeal from this notice and order by filing with the City Clerk within fifteen days from the date of service of this notice and order. An appeal must be in writing and in accordance with the appeal procedure as provided in Sections 8.20.180 through 8.20.210 of the Valdez Municipal Code. Failure to appeal will constitute a waiver of all right to administrative hearing and determination of the order; and will result in the abatement official proceeding with the remedies provided in 8.20.100(4)(a) and (b).

Questions or comments may be direct to AnnMarie Lain, Acting Community Development Director, City of Valdez, P.O. Box 307, Valdez, Alaska 99686; alain@ci.valdez.ak.us; (907) 834-3450.

Sincerely,



AnnMarie Lain

Cc: Valdez Planning & Zoning Commission
Brena, Bell & Clarkson, P.C., Attorneys for the City of Valdez
Elke Doom, City Manager, City of Valdez

Encl: VMC Chapter 8.20 (Ordinance No. 11-02)