



April 16, 2015

Larry & Janice Reynolds  
PO Box 750  
Valdez, Alaska 99686

**ABATEMENT NOTICE AND ORDER**

Lot 1, Block 29, Mineral Creek Subdivision  
137 Egan Drive

Dear Larry & Janice Reynolds:

The property known by legal description as Lot 1, Block 29, Mineral Creek Subdivision, and known by street address as 137 Egan Drive is owned by you. The property was reconveyed to you by Dr. Marcus Alexandre through the instrument recorded on November 14, 2014 and numbered 2013-000710-0. Said property is in violation of the Nuisance, and Building ordinances of the City of Valdez. The former structure on the property collapsed due to snow load in early 2012. Demolition of the collapsed structure occurred later that same year. In addition to the foundation, certain unsupported walls, a ramp and other appurtenances from the building and ground remain. No action has been taken in three years to complete the property abatement or construct a new building. You recently left a phone message for me indicating your intention to remove the remaining wall sections of the building, leaving only the ramp and building foundation on the property. Your proactive approach to removing these remaining building components is appreciated, as an engineer has determined them to be unsafe. Please read the following request from the City to remove these hazardous elements from the property.

**Summary of Violations**

The City has adopted local amendments to the International Building Code defining DANGEROUS BUILDINGS. Section 116.6 includes several subsections defining what conditions of a building classify it as dangerous. Those most directly suitable to describe the condition of the remaining building components on the property are listed below and include subsections 4, 5, 6, 7, 8 and 18.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to the extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirement of the Building Code for new buildings of similar structures, purpose or location.

(5) Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structures, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

(7) Whenever any portion thereof has been wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquake than is required in the case of similar new construction.

(8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(18) Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure; or whenever any building or structure is abandoned for a period in excess thereof; or an attractive nuisance or hazard to the public.

The City of Valdez hired PND Engineers to conduct a structural assessment of the remaining building components at 137 Egan Drive. Jesse Gobeli, a principal civil and structural engineer with the firm conducted an inspection on February 13, 2015. His findings are clearly outlined in the attached letter from Mr. Gobeli dated February 24, 2015. In summary the standing walls are structurally unstable and constitute a hazard.

The condition of the property is also a violation of Chapter 8.20 of the Valdez Municipal Code – Nuisances. Section 8.20.020 defines nuisance violations. Those applying to the condition of this property include:

(G) Unoccupied buildings in a rotten or warped condition;

(O) Neglect of Premises (3) to cause detrimental effect upon nearby property values; and

(P) Property including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly, or in such a condition of deterioration or disrepair that such property causes appreciable diminution of the property values of surrounding property or is materially detrimental to nearby properties and improvements...

#### **Violation Penalties**

##### **15.04.060 International Building and International Residential Codes—Violation penalties**

A. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued

under provision of this code shall be punishable by a fine of not more than three hundred dollars. Each ten days that a violation continues after due notice has been served shall be deemed a separate offense.

*B.* Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be liable to a fine of not more than three hundred dollars in addition to other remedies available by law.

#### **STATEMENT OF ACTION**

As the owners of record, Janice & Larry Reynolds shall comply with the following actions:

1. The remaining wall components on Lot 1, Block 29, Mineral Creek Subdivision Subdivision are hereby deemed structurally unsound and unsafe and any use of the remaining aspects of the structure shall be **ceased immediately**;
2. No later than thirty (30) days from the posting date (April 24, 2015) of this letter **May 24, 2015** the owner shall have a written abatement plan submitted to the Community & Economic Development Department.
3. No later than **June 15, 2015** the remaining wall components on the property shall be dismantled and all component parts shall be removed from the property and disposed of at an approved disposal site. Building foundation and utility appurtenances sticking up from the ground shall be removed or securely covered.
4. 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. If this required abatement is not commenced or completed within the time specified, the Community & Economic 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.
5. All costs associated with the abatement and court proceedings, and related fees shall be placed as a lien on Lot 1, Block 29, Mineral Creek Subdivision.

#### **OPPORTUNITY TO APPEAL**

Any person having record title or legal interests in the property may appeal from the notice and order by filing with the city clerk within fifteen days (unless such abatement will materially affect a building or structure permanently attached to real property, in which case thirty days shall be allowed) from the date of service of such notice and order an appeal in writing in accordance with the appeal procedure as provided in Sections 8.20.180 – 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)(b).

Questions or comments may be directed to Lisa Von Barga, Community & Economic Development Director, City of Valdez, P.O. Box 307, Valdez, Alaska 99686; [lvonbarga@ci.valdez.ak.us](mailto:lvonbarga@ci.valdez.ak.us); 907-834-3425.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Von Bargen". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Lisa M. Von Bargen  
Director, Community & Economic Development

Cc: Valdez Planning & Zoning Commission  
Valdez City Council  
Anthony S. Guerriero (Brena, Bell & Clarkson, P.C.), City Attorney

Encl:  
PND Letter Dated February 24, 2015  
VMC Chapter 8.20  
VMC Chapter 15.04