

RESOLUTION NO. 2005-02

A RESOLUTION DETERMINING THAT JOAN M. CAPENER MICHIK IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. **Real Property Location and Ownership.** It is alleged by the Code Enforcement Officer, a person authorized to enforce the ordinances of the City, that the real property located at 415 East Hamlet, Othello, WA (the subject property) is the site of several public nuisance violations of the ordinances of the City. The records of Adams County show the owner of the subject property to be Joan M. Capener-Michik and occupant of the property is Robert Michik, the husband of Joan M. Capener-Michik, 415 East Hamlet, Othello WA 99344 (the record owner). Robert Michik has dealt with the city on behalf of the record owner, concerning these nuisance violations.
2. **Notice.** On November 24, 2004 the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property in writing a Notice detailing the conditions on the subject property and allowed the owner 10 days to correct the violations. On December 07, 2004 the Code Enforcement Officer caused to be delivered to Robert and Joan M. Capener-Michik a notice of public nuisance violations and a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of January 10, 2005. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. **Violations.** It is alleged by the Code Enforcement Officer that the following violations currently exist on the subject property and have not been corrected:
 - A. A violation of OMC 8.26.030 (Z).
 - B. A violation of OMC 8.26.030(AA).
4. **Hearing.** On January 10, 2005 the Othello City Council conducted a public hearing to consider the allegations of the Code Enforcement Officer that the subject property contains public nuisance and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplish by city forces or forces contracted by the city for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. **Evidence**
 - A. The following persons testified under oath:

Joan M. Capener-Michik, property owner
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Jason Corcoran, Othello Code Enforcement Officer

- B. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Othello Municipal Code Chapter 8.26.030.

EXHIBIT #2: Letter dated November 24, 2004 from the Code Enforcement Officer addressed to Robert Michik, 415 E. Hamlet St., Othello [notice to correct].

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 415 E. Hamlet Street taken on January 5, 2005.

EXHIBIT #4: Letter dated December 07, 2004 from the Code Enforcement Officer to Mr. Robert Michik advising him of the public hearing regarding abatement of property, scheduled for January 10, 2005.

EXHIBIT #5: Copy of determinations of the Municipal Court that previously issued infractions for violation of OMC Chapter 6.28 were committed.

EXHIBIT #6: Othello Police Department law incident table.

Mr. Robert Michik added the following correspondence into the record as exhibits:

Resolved:

1. A public nuisance in violation of OMC 8.26.030 exists on the subject property at 415 East Hamlet, Othello, WA. Joan M. Capener-Michik, 415 East Hamlet, Othello WA 99344 is the record owner of the subject property per the records of Adams County. Robert Michik is a person occupying those premises and has dealt with the city on behalf of the record owner, concerning these nuisance violations.
2. The public nuisance located upon the subject property consists of:
 - A. Violation 1. O.M.C. 8.26.030(Z)
 - B. Violation 2. O.M.C. 8.26.030(AA)
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the city impacting the quality of life and diminishing property values.
4. Joan M. Capener-Michik, the record owner, has 30 (thirty) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the City Administrator or the Mayor. Those improvements include the following:
 - Removal of any unused automobile or inoperable vehicle.
 - Removal of any accumulation, collection, or untidy storage of rags or cloth, packing materials, cardboard paper, tin cans, wire, bottles, glass, cans, boxes, containers, plaster or cement, or wood.

5. City staff shall provide a status report on the progress of the record owner and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the City Administrator or the Mayor, the City is authorized to use city forces or to contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Administrator. All costs of any removal of the identified public nuisances done at city expense shall be recovered by the Mayor by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record owner by return receipt and regular mail after its approval by the Mayor.

ADOPTED by the City Council of Othello, Washington on this 10th day of January 2005.

BY: *t-be-Lio Sanders*
J ie L. Sanders, Mayor

ATTEST:

By: *DKK-*
Debbie L. Kudrna, City Clerk