

RESOLUTION NO. 15-043

A RESOLUTION ASSESSING THE REAL PROPERTIES LOCATED AT 422 WEST 14TH STREET, 383 SUMMIT RIDGE DRIVE, 204 WEST 15TH STREET, 1410 UNION STREET, 414 WEST SIXTH STREET, 505 WEST 14TH STREET, 914 EAST 8TH STREET, 404 WEST 12TH STREET, 1015 LAUGHLIN STREET, AND 610 EAST 12TH STREET, FOR THE COSTS OF ABATEMENT OF JUNK AND HAZARDOUS VEGETATION

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below;

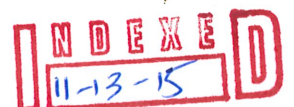
<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
422 West 14 th Street	1N 13E 4DB #6600	June 29, 2015
383 Summit Ridge Drive	1N 13E 1AC #604	July 2, 2015
204 West 15 th Street	1N 13E 4DD #2200	July 8, 2015
1410 Union Street	1N 13E 4DA #12700	July 8, 2015
414 West 6 th Street	1N 13E 4AD #1400	June 10, 2015
505 West 14 th Street	1N 13E 4DB #4600	June 29, 2015
914 East 8 th Street	1N 13E 3DB #7400	July 15, 2015
404 West 12 th Street	1N 13E 4DB #500	July 24, 2015
1015 Laughlin Street	1N 13E 3CA #16500	July 15, 2015
610 East 12 th Street	1N 13E 3CD #10100	July 24, 2015

and

WHEREAS, the following persons are the owners of the following listed properties;

<u>Property</u>	<u>Owner</u>
422 West 14 th Street	Kenneth Hick
383 Summit Ridge Drive	William & Kristi Ketchum
204 West 15 th Street	Arthur Devlin
1410 Union Street	Marie Douglas
414 West 6 th Street	V Mortgage REO 1 LLC
505 West 14 th Street	Kase Limmeroth
914 East 8 th Street	Tobin Swick
404 West 12 th Street	John C. Sundin Sr. & Nancy L. Sundin
1015 Laughlin Street	Fetzer Family Charitable Fund
610 East 12 th Street	William I & Hannah E. Carroll

and



WHEREAS, the Notice to Abate Nuisance required the removal of junk and hazardous vegetation from the listed properties pursuant to the provisions of General Ordinance Nos. 93-1162 and 99-1234; and

WHEREAS, the Notice to Abate Nuisance further provided that if the nuisance conditions were not abated, the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the properties, and become a lien upon the properties; and

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the properties, the City hired the following listed contractors, who abated the nuisance conditions on the dates listed below, for the costs listed below;

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
422 West 14 th Street	FLI Landscape LLC	July 28, 2015	\$472.56
383 Summit Ridge Drive	FLI Landscape LLC	July 28, 2015	\$182.67
204 West 15 th Street	Rod Huarte	August 5, 2015	\$299.00
1410 Union Street	Rod Huarte	August 5, 2015	\$239.00
414 West 6 th Street	FLI Landscape LLC	July 28, 2015	\$212.52
505 West 14 th Street	FLI Landscape LLC	July 28, 2015	\$361.90
914 East 8 th Street	Rod Huarte	August 19, 2015	\$499.00
404 West 12 th Street	Rod Huarte	August 19, 2015	\$599.00
1015 Laughlin Street	Rod Huarte	September 1, 2015	\$199.00
610 East 12 th Street	Rod Huarte	September 1, 2015	\$799.00

and

WHEREAS, pursuant to Section 34 of General Ordinance No. 93-1162 and Section 7 of General Ordinance No. 99-1234, on August 14, 2015, the City Clerk sent a Notice of Assessment by certified mail to Kenneth Hick, William & Kristi Ketchum, Arthur Devlin, Marie Douglas, the Wilmington Trust (the trustee for V Mortgage REO 1 LLC which acquired the property by a Sheriff's Deed recorded on July 22, 2015), and Kase Limmeroth advising them that the total costs of the assessment for each property was \$972.56, \$182.67, \$299.00, \$239.00, \$212.52, and \$361.90 respectively, which for the assessment for Mr. Hick included a \$500 administrative fee required by General Ordinance No. 93-1162, and that the listed sums would become a lien upon the respective properties if the amounts were not paid by August 31, 2015 for Mr. Hick and by September 14, 2015 for all of the other property owners; and

WHEREAS, pursuant to Section 7 of General Ordinance No. 99-1234, on September 11, 2015, the City Clerk sent a Notice of Assessment by certified mail to Tobin Swick, M & T Bank (which is the holder of a trust deed which is the subject of a judicial foreclosure proceeding pending in Wasco County Circuit Court Case No. CC 15-198), Fetzer Family Charitable Fund, and Malcom Cisneros Law Corporation (which represents the Bank of America in a foreclosure proceeding pending in Wasco County Circuit Court Case No. 15-126) advising them that the

total cost of the assessment for each property was \$999.00, \$599.00, \$199.00, and \$799.00 respectively, and that the listed sum for Mr. Swick would become a lien upon his property if the amount was not paid by September 28, 2015, and the listed sums for the other three property owners would become liens upon the properties if the amounts were not paid by October 12, 2015; and

WHEREAS, the August 14, 2015 Notice of Assessment to Mr. Hick, William Kristi Ketchum, Arthur Devlin, Marie Douglas, the Wilmington Trust and Kase Limmeroth advised them they had until August 19, 2015 to file any objection to the proposed assessments; and

WHEREAS, the September 11, 2015 Notice of Assessments to Tobin Swick, M & T Bank, Fetzer Family Charitable Fund, and Malcolm Cisneros Law Corporation, advised them they had until September 16, 2015 to file any objection to the proposed assessments; and

WHEREAS, none of the affected property owners filed any objection by the stated deadlines, and none of them paid the listed amounts by the stated deadlines, and the City Council finds that the statement of the amount of the proposed assessments is correct, and that no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the costs of the assessments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:

Section 1. Assessment. The cost of the abatement of the nuisance conditions consisting of the removal of junk and hazardous vegetation for the properties located at 422 West 14th Street, 383 Summit Ridge Drive, 204 West 15th Street, 1410 Union Street, 414 West Sixth Street, 505 West 14th Street, 914 East 8th Street, 404 West 12th Street, 1015 Laughlin Street, and 610 East 12th Street, in The Dalles, Oregon, is assessed upon the following properties:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Kenneth Hick P.O. Box 16756 Portland, OR 97292	1N 13E 4DB #6600	\$972.56
William & Kristi Ketchum 15150 SW 93 rd Avenue Tigard, OR 97224	1N 13E 1AC #604	\$182.67
Arthur Devlin P.O. Box 1506 Stevenson, WA 98648	1N 13E 4DD #2200	\$299.00

Marie Douglas 1410 Union Street The Dalles, OR 97058	1N 13E 4DA #12700	\$239.00
V Mortgage REO 1 LLC c/o Shellpoint Mortgage Servicing 55 Beattie Place Suite 110 MS 005 Greenville, SC 29601	1N 13E 4AD #1400	\$212.52
Kase Limmeroth P.O. Box 1276 The Dalles, OR 97058	1N 13E 4DB #4600	\$361.90
Tobin Swick 914 East 8 th Street The Dalles, OR 97058	1N 13E 3DB #7400	\$999.00
John C. Sundin Sr. 9328 Olive Street Bellflower, CA 90706	1N 13E 4DB #500	\$599.00
Nancy L. Sundin 10051 Treebark Circle Westminster, CA 92683		
Fetzer Family Charitable Fund 21317 NE 37 th Avenue Ridgefield, WA 98642	1N 13E 3CA #16500	\$199.00
William I. & Hannah E. Carroll 35900 SE Mt. Norway Drive Washougal, WA 98671	1N 13E 3CD #10100	\$799.00

The legal description for the properties is shown in the attached Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the City Clerk is instructed and directed to enter into the Docket of City Liens the following matters in relation to the assessment:

- a. The foregoing legal description of the property assessed.
- b. The name of the owners or statement that the owners are unknown.
- c. The sum assessed upon each lot or tract of land.

d. The date of the docket entry.

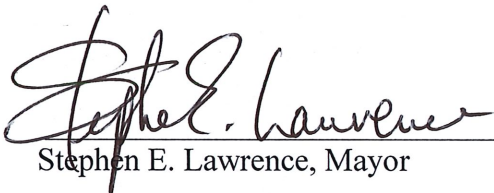
Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by State law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective as of November 9, 2015.

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 2015

Voting Yes, Councilors: Miller, Elliott, Brown, McGlothlin, Spatz
Voting No, Councilors: None
Absent, Councilors: None
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 9TH DAY OF NOVEMBER, 2015



Stephen E. Lawrence, Mayor

Attest:



Julie Krueger, MMC, City Clerk

EXHIBIT "A" – RESOLUTION NO. 15-043

Assessor's Map 1N 13E 4DB #6600

Lot G, Block 34, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in the City of The Dalles, Wasco County, State of Oregon

Assessor's Map 1N 13E 1AC #604

Lot 5, RIVER'S EDGE ESTATES 1ST ADDITION, in the City of The Dalles, County of Wasco, State of Oregon

Assessor's Map 1N 13E 4DD #2200

Lots K and L, Block 11, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in the City of The Dalles, County of Wasco, State of Oregon

Assessor's Map 1N 13E 4DA #12700

Lot Seven (7), Block Forty Two (42), GATES ADDITION TO DALLES CITY, Oregon

Assessor's Map 1N 13E 4AD #1400

Lot I (Eye), Block 26, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in the City of The Dalles, County of Wasco, State of Oregon

Assessor's Map 1N 13E 4DB #4600

Lots A and B, Block 41, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in the City of The Dalles, Wasco County, State of Oregon

Assessor's Map 1N 13E 3DB #7400

Lot 4, Block 5, LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, in the County of Wasco, State of Oregon

Assessor's Map 1N 13E 4DB #500

Lots K & L, Block 32, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in the City of The Dalles, Wasco County, State of Oregon

Assessor's Map 1N 13E 3CA #16500

Beginning on the East boundary line of Lot 3, Block 3, AMENDED MAYS ADDITION TO DALLES CITY, in the City of The Dalles, County of Wasco and State of Oregon, at

a point 50 feet North of the Southeast corner of said lot; thence running Westerly parallel with Clay Street 80 feet; thence Northerly parallel with Laughlin Street 50 feet; thence Easterly parallel with Clay Street 80 feet to Laughlin Street; thence Southerly along the West boundary line of Laughlin Street 50 feet to the point of beginning

Assessor's Map 1N 13E 3CD #10100

Lot 3 and the West 30 feet of Lot 4, Block 47, BIGELOW'S BLUFF ADDITION TO DALLES CITY, in the City of The Dalles, County of Wasco, State of Oregon