

CITY OF NEWBERG
AGREEMENT TO ABATE NUISANCE

CITY OF NEWBERG
CITY RECORDER INDEX NO. 1841

THIS AGREEMENT is entered into this 13th day of June, 2001, by and between the City of Newberg, a municipal corporation of the State of Oregon, hereinafter called **City**, and

Linda Williamson

PO Box 123

St. Paul, OR 97137

(503) 633-4622 (work)

(503) 633-4644 (home)

hereinafter called **Owner**.

RECITALS:

1. Roger and Linda Williamson, husband and wife, are the Owners of the property located at 1205 East Twelfth, Newberg, Oregon 97132 (Tax Lot No. 3220CC-3300). Linda Williamson is in sole possession of the property and her husband Roger Williamson lives at a separate residence.
2. The **City** has declared the building and the garage structure on the property as an attractive nuisance in violation of **City** Ordinance No. 98-2496. This declaration was done by the authority of the Building Official of the City of Newberg. The **Owner** has not corrected the nuisance in the time ordered by the Building Official.
3. In accordance with **City** Ordinance for abating nuisances, the **City** would have the authority to enter onto the property, abate the nuisance, and collect payment for all costs including 15% administrative fee which would become a lien on the property.
4. The **Owner** desires to enter into an Agreement with the **City** to allow the **City** to enter upon the property and abate the nuisance. The cost of which shall become a lien on the property.

NOW, THEREFORE, in consideration of mutual promises, covenants and agreements of the parties, it is agreed as follows.

1. The **Owner** consents to the **City** entering upon the property and doing all necessary acts upon that property to abate the nuisance.
2. The property is the property located at 1205 East Twelfth Street, Newberg, Oregon 97132 (Tax Lot No. 3220CC-3300).
3. The **Owner** assert that she and her husband (Roger Williamson) are the sole Owners of such property. Also, that she is in sole possession of the property.

4. The **City** shall do all necessary acts and assume all liability in the process of removing the nuisance from the property. The property shall be left in reasonable condition ("as is") upon removal of the nuisance.
5. The property is currently being repossessed by Meritech Mortgage (contact: Kelly O'Bannon -- 1-888-325-3502, x7333).

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above mentioned.

OWNERS

By: Linda M. Williamson
Name: Linda Williamson
Title: Owner
Date: June 13, 2001

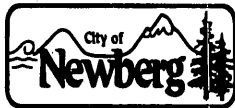
CITY OF NEWBERG

By: Duane R. Cole
Name: Duane R. Cole
Title: City Manager
Date: June 14, 2001

Approved as to form & content:

Terrence D. Mahr
Terrence D. Mahr, City Attorney

Pursuant to Authority of Resolution
No. 2001-2296.



RESOLUTION No. 2001-2296

A RESOLUTION AUTHORIZING THE CITY TO TAKE ALL NECESSARY LEGAL ACTION TO ABATE THE NUISANCE AT THE PROPERTY LOCATED AT 1205 EAST TWELFTH STREET, NEWBERG, OREGON AND DELEGATING THE AUTHORITY TO THE CITY MANAGER .

TAX LOT NO.: 3220CC-3300
ADDRESS: 1205 East Twelfth Street
Newberg, OR 97132
OWNER: Roger & Linda Williamson
(Currently being Repossessed by Financial Institute)

RECITALS:

1. There has been some police activity at the residence located at 1205 East Twelfth Street. Upon entry of the building by the Police, there was discovered large amounts of newspaper were discovered inside the house.
2. The property with the house is currently being repossessed by a financial institution.
3. The Williamsons have gone through many recent personal hardships including financial and medical problems. They are not in a position to readily abate the nuisance.
4. The property is vacant and has indications of being abandoned.
5. With the coming Summer and dry period, there is immediate concern of a fire hazard and the City must take action to abate the situation.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council declares that a nuisance does exist due to the condition of the property being abandoned, large amounts of garbage and junk including newspapers in the house and the yard. This constitutes a danger because of a fire hazard. The nuisance exists at the following property:

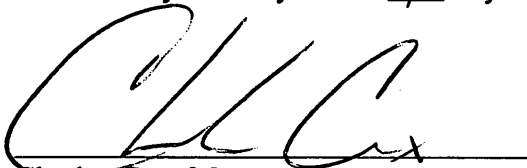
TAX LOT NO.: 3220CC-3300
ADDRESS: 1205 East Twelfth Street
Newberg, OR 97132
OWNER: Roger & Linda Williamson
(Currently being Repossessed by Financial Institute)

2. The City has notified the owners by letter and a posting that the nuisance must be abated, but no action has been taken and no appeal from said nuisance notice has been received by the City. The letter and posting certificate of the Building Official is attached as Exhibit "A" and is hereby incorporated.
3. The City hereby authorizes, delegates, and directs the City Manager through the Building Official to take all necessary acts and execute any necessary documents to abate the nuisance located at the above property. The City further authorizes the City Manager to make any arrangements, enter into any agreements, and negotiate any settlement of this matter which would be in the best interest of the City in order to abate the nuisance.
4. The City authorizes the City Attorney to file all necessary legal actions including complaints and other necessary legal documents in Yamhill County Circuit Court to take possession of said property, abate such nuisance, and recover the costs incurred by the City.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of June, 2001.


Duane R. Cole, City Recorder

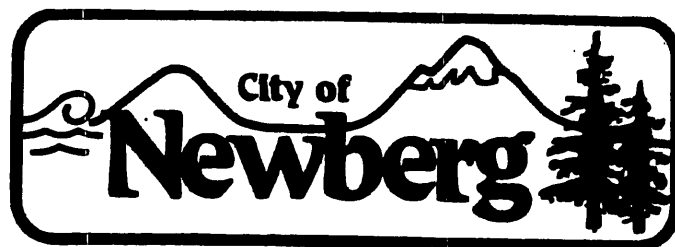
ATTEST by the Mayor this 7 day of June, 2001.


Charles Cox, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at / /2001 meeting. Or, X None.
(committee name) (date) (check if applicable)

City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 538-9421
(503) 537-5013 FAX

Community Development Office

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • (503) 537-1240 • Fax: (503) 537-1272

May 16, 2001

Roger & Linda Williamson
PO Box 123
Saint Paul, OR 97137

Exhibit "A"
to Resolution No. 2001-2296
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Dear Mr. & Mrs. Williamson:

RE: ABATEMENT NOTICE - Building Located at:
1205 East Twelfth Street, Newberg, OR 97132
Tax Lot No. 3220CC-3300

***YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF
THIS NOTICE TO TAKE NECESSARY ACTION
IN ABATEMENT OF THIS NUISANCE ***

You are the owner and in charge of the residence located at 1205 East Twelfth Street in the city of Newberg. This office has had a number of communications concerning this property and unoccupied house.

The building on the property has been in violation of City Ordinances for some time. It has been a nuisance and has constituted danger to the public, health, safety, and welfare of the citizens of Newberg. The City is ordering the nuisances to be abated. The Building Official has determined that the building needs to be cleaned up, the garbage & junk removed and the house to be repaired and/or demolished. You need to choose whether or not you want to preform the cleanup and repair or demolish the buildings. If no action is taken, the City shall abate this nuisance by demolishing the building.

The nuisance is as follows:

1. **REPAIR OF STRUCTURE** - You have fourteen (14) days from the date of this order to secure all necessary permits and to physically begin work on the cleaning and repair of the structure. The work shall be completed within ninety (90) days of the date of the this order. The Building Official will specify exactly what work needs to be done when you apply for your building permits.

Exhibit "A"

to Resolution No. 2001-2296

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Roger & Linda Williamson

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2. **DEMOLITION** - If you decide that you will demolish the structure, then the structure must be made safe and secure within fourteen (14) days of this order and all required permits must be secured for demolition of the building within sixty (60) days of the date of this order. The demolition and removal and all debris must be completed within ninety (90) days of the date of this order.

YOU MUST TAKE ACTION OF SECURING BUILDING TO PREVENT ENTRY OR SECURING PERMITS FOR REMODEL WITHIN FOURTEEN (14) DAYS OF THIS ORDER.

You are responsible to correct this nuisance. If you fail to comply with this order within fourteen (14) days it is the City's intention to take further abatement action.

If you do not comply with this Order, the City shall abate the nuisance by correcting the problem. The cost of such repair, rehabilitation, demolition, or removal shall be paid by you and if not paid, a lien shall be placed on the property. If that lien is not paid, the City shall foreclose on the lien. This may result in you losing ownership of the house and property.

You may protest this Order to Abate by giving notice to this office within ten (10) days of the date of this letter. Notice should be sent to:

Terrence D. Mahr, City Attorney
City of Newberg
PO Box 970
Newberg, OR 97132

Failure to respond to this notice will have legal consequences. If you protest this notice, you should file a written statement specifying the basis for protesting the notice. Such statement shall be referred to the City Council at the Council's next regular meeting.

If you fail to abate the nuisance, the City shall proceed with the appropriate Court action. ***Your immediate attention to this matter is necessary.***

NOTICE: YOU ARE PRESENTLY IN VIOLATION OF A CITY ORDINANCE. THIS NOTICE TO ABATE THE NUISANCE DOES NOT PREVENT THE CITY FROM IMMEDIATELY CITING YOU FOR VIOLATION OF THE CITY ORDINANCE. You can and shall be cited into Municipal Court for violation of City Ordinance. Each day that this nuisance continues is a separate violation of City Ordinance subject to a fine of \$500.00.

Very truly yours,



Bob Stewart,
Building Official

CERTIFICATE OF POSTING

I, Bob Stewart, Building Official, for the Community Development Department of the City of Newberg, hereby acknowledge that I personally posted a copy of the ABATEMENT NOTICE on the building located at 1205 East Twelfth Street, Newberg, Oregon 97132, on March ____, 2001.

DATED this 16th day of May, 2001.

CITY OF NEWBERG

By Bob Stewart