



Barcode and alphanumeric code: *W2358551*

Community Development Division
2549 Washington Blvd. Suite 120
Ogden, Ut. 84401
801-629-8958
Fax 801-629-8996

EN 2358551 PG 1 OF 10
ERNEST D ROWLEY, WEBER COUNTY RECORDER
07-AUG-08 401 PM FEE \$1.00 DEP JPH
REC FOR: OGDEN CITY

NOTICE OF DANGEROUS BUILDING AND ORDER TO ABATE

July 22, 2008

RUBIN INC.
120 25TH ST
OGDEN UT. 84401

Property Serial No.: 01-019-0006 0039 ✓
Property Address: 144 25TH ST
Case No.: H1-8074832

"OWNER", and to all other persons having, or claiming an interest in and to the land and building hereinafter described:

DESCRIPTION:

That certain two story un-reinforced masonry building with a full basement. The foundation is constructed of rock and the floors and roof are of wood. It is located at 144 25th ST., Ogden City, Weber County, Utah, on the following described tract of land situated in Weber County, Utah; to-wit:

PART OF LOTS 1 AND 2, BLOCK 23, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 2 FEET 6 INCHES EAST OF THE SOUTHEAST CORNER OF SAID LOT 2, AND RUNNING THENCE WEST 52 FEET 6 INCHES, THENCE NORTH 132 FEET, THENCE EAST 52 FEET 6 INCHES, THENCE SOUTH 132 FEET TO THE POINT OF BEGINNING.
TOGETHER WITH THE FOLLOWING RIGHT OF WAY: A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LINCOLN AVENUE, OGDEN, UTAH, SAID POINT BEING NORTH 0D58' EAST 157.75 FEET FROM THE SOUTHEAST CORNER OF BLOCK 23, PLAT A, OGDEN CITY SURVEY; THENCE NORTH 89D02' WEST 666.0 FEET TO THE WEST LINE OF SAID BLOCK 23, THENCE NORTH 0D58' EAST 15.0 FEET; THENCE SOUTH 89D02' EAST 666.0 FEET; THENCE SOUTH 0D58' WEST 15.0 FEET TO THE POINT OF BEGINNING. (E#1526678 1912-2167)
ALSO: TOGETHER WITH THE FOLLOWING RIGHT OF WAY: A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS NORTH 0D58' EAST 132.0 FEET AND SOUTH 89D58' EAST 330.91 FEET FROM THE SOUTHWEST CORNER OF BLOCK 23, PLAT A, OGDEN CITY SURVEY; THENCE NORTH 0D58' EAST 25.75 FEET; THENCE SOUTH 89D02' EAST 17.50 FEET; THENCE SOUTH 0D58' WEST 25.75 FEET; THENCE NORTH 89D02' WEST 17.50 FEET TO THE POINT OF BEGINNING. (E#1526678 1912-2167)

You, and each of you, are hereby notified that pursuant to the provisions of Section 16-8A-7. of the Uniform Code for the Abatement of Dangerous Buildings, the undersigned, as the officer charged with the administration and enforcement of said Ordinance, has caused to be inspected the building(s) herein above described and has determined that said building(s) is/are a Dangerous Building(s) within terms of Ordinance 16-8A-6 A & B and particularly by reason of the following, to-wit:

16-8A-6:B1. Whenever any door aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

Materials such as carpet furnishings and furniture have been strewn through out the first floor in way that there is no clear way of egress by the way of passageways or isles.

6-8A-6:B2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

The north 1/3 of first and second floors have deteriorated from past moisture to a point that it is unsafe to walk on. The flooring and floor joist have fail in some areas. Posts supporting beams in the basement have dry rotted to a point it is questionable as to the ability of the members to support the weight of the building as it is. Some floor joist have broken and settled. At least one beam has broken in the north half of the main floor system allowing the floor to settle.

16-8A-6:B3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1-½) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

The north 1/3 of first and second floors have deteriorated from past moisture to a point that it is unsafe to walk on. The flooring and floor joist have fail in some areas. Posts supporting beams in the basement have dry rotted to a point it is questionable as to the ability of the members to support the weight of the building as it is. Some floor joist have broken and settled. At least one beam has broken in the north half of the main floor system allowing the floor to settle.

16-8A-6:B5. 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.

The north (rear) wall of the structure has deteriorated to a point that bricks are falling and portions of the wall is failing.

Portions of the West wall is also deteriorated to a point that of the wall has lost brick to a point that there is only one Wyeth of brick remaining. The mortar in the

joints and the brick has become weak and soft both on the outside as well as the inside with brick and mortar dust falling to the ground. This wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front ½ of the building. There is a separation of approximately ¾" at the floor line of the second floor and 1" at the ceiling line.

The front (South) facade of the building is starting to lean away from the structure of the building showing separation cracks in the upper half of the façade ranging from ¼" at the second floor line to a 1" at the top on the parapet wall. The interior movement indicates that the front of the building has moved away from the structure a minimum of ¾" at the second floor and a minimum of 1 ½" at the ceiling line. The southeast corner appears to be out of plumb as much as 2"-3" leaning out at the top.

The east wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front ½ of the building. There is a separation of approximately ¾" at the floor line of the second floor and 1" at the ceiling line.

The existing Rock foundation especially on the East side South half shows signs of deterioration by the loss of mortar in the joint to the point that dirt is washing through the joints.

None of the walls are tied to the floors or roof systems with any type of mechanical or physical means. All lath and plaster have been removed from all of the second floor walls leaving the building without any interior lateral bracing.

16-8A-6:B8. Whenever the building or structure, or any portion thereof, because of: a) dilapidation, deterioration or decay; b) faulty construction; c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; d) the deterioration, decay or inadequacy of its foundation; or e) any other cause, is likely to partially or completely collapse.

The north (rear) wall of the structure has deteriorated to a point that bricks are falling and portions of the wall is failing.

Portions of the West wall is also deteriorated to a point that of the wall has lost brick to a point that there is only one Wyeth of brick remaining. The mortar in the joints and the brick has become weak and soft both on the outside as well as the inside with brick and mortar dust falling to the ground. This wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front ½ of the building. There is a separation of approximately ¾" at the floor line of the second floor and 1" at the ceiling line.

The front (South) facade of the building is starting to lean away from the structure of the building showing separation cracks in the upper half of the

façade ranging from $\frac{1}{4}$ " at the second floor line to a 1" at the top on the parapet wall. The interior movement indicates that the front of the building has moved away for the structure a minimum of $\frac{3}{4}$ " at the second floor and a minimum of $1\frac{1}{2}$ " at the ceiling line. The southeast corner appears to out of plumb as much as 2"-3" leaning out at the top.

The east wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front $\frac{1}{2}$ of the building. There is a separation of approximately $\frac{3}{4}$ " at the floor line of the second floor and 1" at the ceiling line.

The existing Rock foundation especially on the East side South half shows signs of deterioration by the loss of mortar in the joint to the point that dirt is washing through the joints.

None of the walls are tied to the floors or roof systems with any type of mechanical or physical means. All lath and plaster have been removed from all of the second floor walls leaving the building without any interior lateral bracing.

16-8A-6:B9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

The north (rear) wall of the structure has deteriorated to a point that bricks are falling and portions of the wall is failing.

Portions of the West wall is also deteriorated to a point that of the wall has lost brick to a point that there is only one Wyeth of brick remaining. The mortar in the joints and the brick has become weak and soft both on the outside as well as the inside with brick and mortar dust falling to the ground. This wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front $\frac{1}{2}$ of the building. There is a separation of approximately $\frac{3}{4}$ " at the floor line of the second floor and 1" at the ceiling line.

The front (South) facade of the building is starting to lean away from the structure of the building showing separation cracks in the upper half of the façade ranging from $\frac{1}{4}$ " at the second floor line to a 1" at the top on the parapet wall. The interior movement indicates that the front of the building has moved away for the structure a minimum of $\frac{3}{4}$ " at the second floor and a minimum of $1\frac{1}{2}$ " at the ceiling line. The southeast corner appears to out of plumb as much as 2"-3" leaning out at the top.

The east wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front $\frac{1}{2}$ of the building. There is a separation of approximately $\frac{3}{4}$ " at the floor line of the second floor and 1" at the ceiling line.

The existing Rock foundation especially on the East side South half shows signs of deterioration by the loss of mortar in the joint to the point that dirt is washing through the joints.

None of the walls are tied to the floors or roof systems with any type of mechanical or physical means. All lath and plaster have been removed from all of the second floor walls leaving the building without any interior lateral bracing.

16-8A-6:B10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

The north (rear) wall of the structure has deteriorated to a point that bricks are falling and portions of the wall is failing.

Portions of the West wall is also deteriorated to a point that of the wall has lost brick to a point that there is only one Wyeth of brick remaining. The mortar in the joints and the brick has become weak and soft both on the outside as well as the inside with brick and mortar dust falling to the ground. This wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front 1/2 of the building. There is a separation of approximately 3/4" at the floor line of the second floor and 1" at the ceiling line.

The front (South) facade of the building is starting to lean away from the structure of the building showing separation cracks in the upper half of the façade ranging from 1/4" at the second floor line to a 1" at the top on the parapet wall. The interior movement indicates that the front of the building has moved away from the structure a minimum of 3/4" at the second floor and a minimum of 1 1/2" at the ceiling line. The southeast corner appears to out of plumb as much as 2"-3" leaning out at the top.

The east wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front 1/2 of the building. There is a separation of approximately 3/4" at the floor line of the second floor and 1" at the ceiling line.

The existing Rock foundation especially on the East side South half shows signs of deterioration by the loss of mortar in the joint to the point that dirt is washing through the joints.

None of the walls are tied to the floors or roof systems with any type of mechanical or physical means. All lath and plaster have been removed from all of the second floor walls leaving the building without any interior lateral bracing.

16-8A-6:B13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this State or jurisdiction relating to

the condition, location or structure of buildings.

The north (rear) wall of the structure has deteriorated to a point that bricks are falling and portions of the wall is failing.

Portions of the West wall is also deteriorated to a point that of the wall has lost brick to a point that there is only one Wyeth of brick remaining. The mortar in the joints and the brick has become weak and soft both on the outside as well as the inside with brick and mortar dust falling to the ground. This wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front ½ of the building. There is a separation of approximately ¾" at the floor line of the second floor and 1" at the ceiling line.

The front (South) facade of the building is starting to lean away from the structure of the building showing separation cracks in the upper half of the façade ranging from ¼" at the second floor line to a 1" at the top on the parapet wall. The interior movement indicates that the front of the building has moved away for the structure a minimum of ¾" at the second floor and a minimum of 1 ½" at the ceiling line. The southeast corner appears to out of plumb as much as 2"-3" leaning out at the top.

The east wall also shows a deformation of the wall line at the second floor line indicating a movement of the second floor to the east approximately 3"-4" in the front ½ of the building. There is a separation of approximately ¾" at the floor line of the second floor and 1" at the ceiling line.

The existing Rock foundation especially on the East side South half shows signs of deterioration by the loss of mortar in the joint to the point that dirt is washing through the joints.

None of the walls are tied to the floors or roof systems with any type of mechanical or physical means. All lath and plaster have been removed from all of the second floor walls leaving the building without any interior lateral bracing.

16-8A-6:B19. Whenever any building or structure, or portion thereof, is vacant or open and:

- a. One or more of the doors, windows, or other openings are missing or broken;
- b. One or more of the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new type, unless boarded in accordance with an approved vacant building plan pursuant to article B of this chapter; or

All of the glazing in the windows are missing and the openings have been boarded up.

- c. In such condition that it constitutes an attractive nuisance or hazard to the public.

YOU ARE HEREBY ORDERED to maintain the building at the above address VACANT and SECURE against entry.

YOU RUBIN INC., the Owners of said building ARE HEREBY ORDERED to obtain the proper permits and commence to completion with reasonable diligence, the demolition of said building not later than FIFTEEN DAYS FROM THE DATE OF SERVICE OF THIS NOTICE, and to have the said work of abatement completed within the limits of required permits. The site shall be secured IMMEDIATELY with a fence or a barrier placed at a distance away from the building approved by the building official. If you fail to do so, your non-compliance will result in the building being abated at the direction of Ogden City, and the total cost of said abatement shall be levied as a special assessment against said property.

YOU ARE HEREBY ADVISED that all other persons having an interest in said building are hereby notified that they may, at their own risk and expense, so abate said building not later than the date herein above provided, so as to prevent the levy by Ogden City of the aforesaid special assessment on said property.

YOU ARE HEREBY FURTHER ADVISED that failure to abate the nuisance within the time specified is a misdemeanor.

YOU ARE HEREBY FURTHER ADVISED that any person having any record title or legal interest in the building may appeal from the Notice and Order to the Ogden City Board of Building and Fire Code Appeals, provided the appeal is made in writing, along with a copy of this notice within fifteen (15) days from the service of this Notice and Order. Failure to do so constitutes a waiver of all rights to an administrative hearing and determination of the matter.

YOU ARE HEREBY FURTHER ADVISED that non-compliance of this notice and order and or appeal process within the time specified, will result in the recordation of this order with the County Recorders Office for permanent record on the property abstract.

Dated the 22 day of July, 2008.



John J. Saunders, Ogden City Building Official

Approved as to form:



City Attorney

Encl. Ogden City Board of Building and Fire Code Appeals application

cc: City Attorney
City Recorder
County Recorder

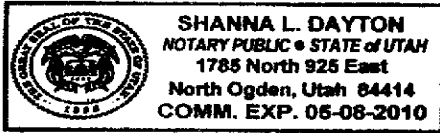
C/O Pamela Collard
Old Pelican, LLC
326 N Wilkie Street
Kaysville, Utah 84037

STATE OF UTAH)

SS:

COUNY OF WEBER)

On this 22 day of July, 2008, personally appeared before me, John J. Saunders, Building Official of Ogden City, who acknowledged that he signed the above certificate and that the statements contained herein are true.



Shanna L. Dayton
Notary Public



Community Development Division
 2549 Washington Blvd. Suite 240
 Ogden, Ut. 84401
 Office: 801-629-8959
 Fax: 801-629-8902

Date of Receipt _____
 Case # _____

**APPLICATION FOR HEARING BEFORE
 THE OGDEN CITY BOARD OF BUILDING AND FIRE CODE APPEALS
 FOR A NOTICE OF DANGEROUS BUILDING AND ORDER OT ABATE**

ADDRESS OF PROPERTY _____

OWNER/APELLANT OF PROPERTY _____

OWNER/APELLANT ADDRESS _____

CITY/STATE/ZIP _____

TELEPHONE _____

IF YOU ARE NOT THE OWNER, WHAT IS YOUR INTEREST IN THIS PROPERTY? _____

REASON(S) FOR APPEAL:

RELIEF SOUGHT:

REQUIRED ATTACHMENTS: All applications must be accompanied by detailed drawings and explanations of the alternate methods of construction proposed by the applicant to meet the intent of the applicable code. 6 copies of the Notice and Order of Dangerous Building and Order to Abate must be furnished.

DEADLINE: This application must be received with in 10 days of the issuance of the Notice and Order of Dangerous Building and Order to Abate. Notice of time, date and place of hearing will be mailed to the person(s) and address(s) listed above.

FILING FEE: \$100.00

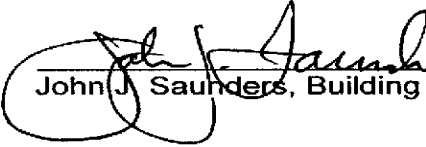
SIGNATURE OF APPLICANT _____

I hereby certify that the above information is correct.

OFFICE USE ONLY:
 Enforcement action prompting request (attach copy if applicable)

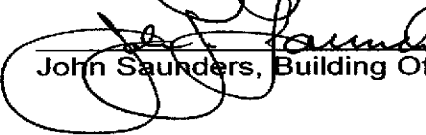
CERTIFICATE OF MAILING

I, John J. Saunders, do hereby certify that a true and correct copy of the above and foregoing NOTICE AND ORDER was mailed via first class mail postage prepaid to RUBIN INC., the "Owner" designated therein, last known address, to-wit: 120 25TH ST., OGDEN UTAH 84401 and a courtesy copy to C/O Pamela Collard, Old Pelican, LLC, 326 N Wilkie Street, Kaysville, Ut. 84037 dated this 22ND day of July, 2008.


John J. Saunders, Building Official

CERTIFICATE OF POSTING

I, John J. Saunders, do hereby certify that I personally posted a true copy of the above and foregoing NOTICE AND ORDER, in a conspicuous place on the hereinabove described premises at 144 25th St, Ogden City, Weber County, Utah, this 22ND day of July, 2008.


John Saunders, Building Official