

Building Services Division  
2549 Washington Blvd. Suite 110  
Ogden, UT. 84401  
O: 801-629-8961  
F: 801-629-8996



\*W2834198\*

EH 2834198 PG 1 OF 5  
LEANN H KILTS, WEBER COUNTY RECORDER  
29-DEC-16 948 AM FEE \$.00 DEP DC  
REC FOR: OGDEN CITY

## NOTICE OF DANGEROUS BUILDING AND ORDER TO ABATE

November 21, 2016

**MC Ogden Residential LLC**  
**4488 N 4150 E**  
**Liberty, UT 843109409**

Property Serial No: **01-035-0059**  
Property Address: **539 22<sup>nd</sup> Street**  
Case Number: **20163442 - Robert Porter**

"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, wood framed, multi-family apartment building with brick veneer porches, full basement and detached, cinderblock eight bay garage with wood framed roof structure**, located at **539 22<sup>nd</sup> Street**, Ogden City, Weber County, Utah, on the following described tract of land situated in Weber County, Utah; to-wit:

PART OF LOT 6, BLOCK 41, PLAT A, OGDEN CITY SURVEY, WEBERCOUNTY, UTAH. BEGINNING AT A POINT 16 RODS EAST OF THENORTHWEST CORNER OF SAID LOT 6, AND RUNNING THENCE WEST 33.5 FEET, THENCE SOUTH 8 RODS, THENCE EAST 33.5 FEET, THENCE NORTH 8 RODS TO THE PLACE OF BEGINNING.

You, and each of you, are hereby notified that pursuant to the provisions of Section 16-8A-7. of the 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 buildings herein above described and has determined that said buildings are Dangerous Buildings within terms of Ordinance 16-8A-6 A & B and particularly by reason of the following, to-wit:

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.

- 1-Vinyl siding coming off the rear of the building.
- 2-Retaining wall in front yard leaning over public sidewalk.
- 3-Concrete walk way in rear yard is cracked, settling.
- 4- Rear wooden stairs and landings are dilapidated, missing parts and unsafe.
- 5- Garage roof structure has been burned through, remaining roof is dilapidated and failing.

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.

**International Property Maintenance Code Section 108.1.3: STRUCTURE UNFIT FOR HUMAN OCCUPANCY.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

1- Water service is off, walls and ceiling have holes in them, counters and appliances removed, plumbing fixtures and electrical fixtures missing.

16-8A-6: B12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated it has become: a) an attractive nuisance to children; b) a harbor for vagrants, criminals or immoral persons; or as to c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

- 1-Garages have been painted over with gang graffiti and other tagging.
- 2-Garage doors have all been removed and the bays are being used by vagrants, transients and other people for parties, shelter and other illegal activities.
- 3-Several garage bays have been used as storage units for tires, trash and other miscellaneous debris.
- 4- Fire in garage on November 4, 2016.
- 5- Evidence of an earlier fire in the two eastern most bays.
- 6-Water has been off since March 2016.

16-8A-6: B18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever the construction of any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

- 1-Apartment Building has been vacant for more than 1 year.
- 2-Apartment Building and garages are open and accessible.
- 3- Garage used to collect trash, tires, shopping carts and other miscellaneous debris.

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

- 1-Several windows are broken.
- 2-All entry doors are broken, off the hinges or missing and the openings boarded to prevent unauthorized entry.
- 3-Several windows are boarded up.
- 4-Garage is open and accessible.
- 5-Garage walls covered with graffiti.
- 6- The property is littered with trash, tires, shopping carts and other miscellaneous debris.

**YOU ARE FURTHER ORDERED** to obtain the proper permits as required and secure the buildings and to cause the buildings to be secured immediately. **YOU ARE FURTHER ORDERED** not to lease or rent and are to maintain the buildings at the above address **VACANT** and **SECURE** against entry until it has been determined that said buildings are no longer dangerous by the Ogden City Building Department.

**YOU ARE HEREBY ORDERED** to obtain the proper permits and commence to completion with reasonable diligence, the repair or demolition of said buildings not later than **FIFTEEN DAYS FROM THE DATE OF THIS NOTICE**, and to have said work of abatement completed within the limits of required permits. If you fail to do so, your non-compliance will result in the buildings 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 buildings or land are hereby notified that they may, at their own risk and expense, so abate said

YOU ARE HEREBY ADVISED that all other persons having an interest in said buildings or land are hereby notified that they may, at their own risk and expense, so abate said buildings 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.

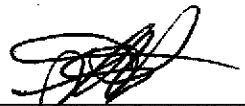
YOU ARE HEREBY FURTHER ADVISED that failure to abate (**correct**) the nuisance within the time specified is a misdemeanor.

YOU ARE HEREBY FURTHER ADVISED that the building or structure identified in this Notice and Order has deteriorated to a condition that has rendered it uninhabitable. Any nonconforming use pertaining to the building or structure will be lost if the building or structure is not repaired or restored within six (6) months after the date this notice is mailed to you.

YOU ARE HEREBY FURTHER ADVISED that any person having any record title or legal interest in the buildings 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 mailing 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 or the 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 November, 2016.



Steve Patrick, Ogden City Building Official

Approved as to form:



City Attorney

Attested to:



City Recorder

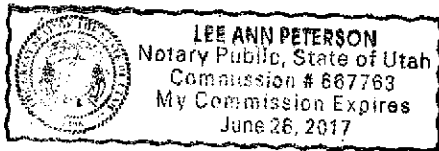


STATE OF UTAH)

SS:

COUNTY OF WEBER

On this 29<sup>nd</sup> day of November 20 16, personally appeared before me, Steve Patrick, Ogden City Building Official, who acknowledged that he signed the above certificate and that the statements contained herein are true.



Lee Ann Peterson  
Notary Public

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

cc: City Attorney  
City Recorder  
County Recorder