

Building Services Division
2549 Washington Blvd. Suite 110
Ogden, UT. 84401
O: 801-629-8961
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EN 2859338 PG 1 OF 7
LEANN H KILTS, WEBER COUNTY RECORDER
25-MAY-17 126 PM FEE \$1.00 DEP DC
REC FOR: OGDEN CITY

NOTICE OF DANGEROUS BUILDING AND ORDER TO ABATE

April 20, 2017

JARROD E CLARKE
1893 BEAR MOUNTIAN DR
DRAPER UT 84020

Property Parcel No: **05-125-0001**
Property Address: **3350 WALL AVENUE**
Case Number: **20171135**
Inspector: **Andrea Keith**

JARROD E CLARK, "Owner", PC THOMAS INVESTMENT CO LC, MOUNTAIN VEIW TITLE AND ESCROW, INC, and to all other persons having, or claiming an interest in and to the land and building hereinafter described:

DESCRIPTION:

That certain **one story commercial building with basement, consisting of conventional wood construction, in the front where there is a showroom with plated glass and office areas, office space, with stairs and a ramp leading to a public entrance on the front of the building, the rear of the building is reinforced concrete masonry repair bay units, there are eight steel garage doors which open on both the south and north sides of the building, the north side of the rear of the building has a delivery area with a dock, and stairs that lead to a basement entrance. On the West side of the property, on Wall Ave, is a sign that says R.J.**

Wrigley's, with a public sidewalk on the east side of the building, located at **3350 Wall Avenue**, Ogden City, Weber County, Utah, on the following described tract of land situated in Weber County, Utah; to-wit:

BEGINNING AT A POINT WHICH IS SOUTH 0D35'30" WEST 600.18 FEET ALONG THE QUARTER SECTION LINE AND NORTH 89D27' WEST 373.44 FEET ALONG THE MONUMENT LINE AND SOUTH 0D45' EAST 331.30 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89D02' WEST 48.01 FEET TO THE EAST LINE OF WALL AVENUE, SAID POINT IS SOUTH 0D58' WEST 330.51 FEET AND SOUTH 89D02' EAST 50.00 FEET FROM THE MONUMENT MARKING THE INTERSECTION OF WALL AVENUE AND 33RD STREET; THENCE SOUTH 0D58' WEST 256.91 FEET ALONG THE EAST LINE OF SAID STREET; THENCE SOUTH 89D06' EAST 471.61 FEET; THENCE NORTH 0D58' EAST 18.19 FEET; THENCE CONTINUING NORTH 0D58' EAST 32.36 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 34TH STREET; THENCE WEST 56.57 FEET; THENCE NORTH 0D35'30" EAST 0.34 FEET, THENCE NORTH 89D06' WEST 115.54 FEET TO THE WEST LINE OF PINGREE AVENUE EXTENDED; THENCE NORTH 0D58' EAST 206.85 FEET, THENCE NORTH 89D06' WEST 251.49 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.96 ACRES

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 building herein above described and has determined that said building is a Dangerous Building within terms of Ordinance 16-8A-6 A & B and particularly by reason of the following, to-wit:

16-8A-6:B12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become dilapidated or deteriorated as to 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.

On April 13, 2017, a structure fire caused severe damage to the vacant building. The fire burned through the roof components including the rafters of the entire west end of the building. Multiple windows were broken out during firefighting efforts.

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.

The building has been vacant. The owner has been unresponsive to requests from Ogden City Code Enforcement to secure the building and prevent entrance. Code Enforcement has had six separate cases for violations involving junk and debris left at the property, overgrown weeds, abandoned vehicles, and the building being open and accessible. Of those cases, five required Ogden City to abate the property to correct the violations.

On April 5, 2017, Ogden City Code Enforcement served a warrant on the property granting entrance to the building. Two individuals were residing inside the building at the time of the warrant. Code Enforcement observed that individuals had been residing in the commercial building and set up living quarters. On April 5, 2017, the Weber Morgan Health Department closed the building for occupancy.

The building has not had water service since July 9, 2015. The Ogden City Police Department confirmed that they have responded to 27 separate calls to the property since March 7, 2016. These actions constitute an attractive nuisance and hazard to the public.

YOU ARE HEREBY ORDERED to obtain the proper permits and commence to completion with reasonable diligence, the repair or demolition of said building 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 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 or land 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 (**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.

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

cc: City Attorney
City Recorder
County Recorder

PC Thomas Investment CO LC
927 East 3350 North
Ogden, UT 84414

Mountain View Title and Escrow, INC
5732 South 1475 East, Suite 100
South Ogden, Utah 84403

CERTIFICATE OF MAILING N&O

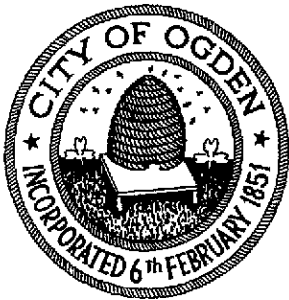
I, Andrea Keith do hereby certify that a true and correct copy of the above and foregoing NOTICE AND ORDER was mailed via first class mail postage prepaid to Jarrod E Clarke the "Owner" designated therein, last known address, to-wit: 1893 Bear Mountain Dr., Draper, UT 84020, PC Thomas Investment CO LC 927 East 3350 North, Ogden, UT 84414, and Mountain View Title and Escrow, INC 5732 South 1475 East, Suite 100, South Ogden, UT 84403, dated this 9th day of May, 2017.

A. Keith
Andrea Keith, Senior Code Services Officer

CERTIFICATE OF POSTING N&O

I, Andrea Keith, 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 3350 Wall Ave, Ogden City, Weber County, Utah, this 9th day of May, 2017.

A. Keith
Andrea Keith, Senior Code Services Officer



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

Address of Property: _____

Owner/Appellant of Property: _____

Owner/Appellant Address: _____

City, State Zip _____

Phone: _____ Cell: _____

If you are not the owner, what is your interest in this property? _____

Reason 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 this 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 within 10 days of the issuance of the Notice and Order of Dangerous Building and Order to Abate. Notice of tie, date and place of hearing will be mailed to the person(s) and address listed above.

FILING FEE \$100.00

Signature of Applicant: _____

I hereby certify the above information is correct

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