

**CITY OF AURORA
RESOLUTION NO. 514 (Amended)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, OREGON, DETERMINING AND DECLARING THAT NUISANCES DO EXIST ON THAT REAL PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF AURORA COMMONLY KNOWN AS 21520 MAIN STREET, NE, AURORA, OREGON OWNED BY EDVENTURES, LTD., AND AUTHORIZING THE CITY RECORDER TO EXPEND CITY FUNDS TO ABATE THE NUISANCES AND ASSESS ALL COSTS OF ABATEMENT TO THE PROPERTY, ALL PURSUANT TO THE REQUIREMENTS OF CHAPTER 8.08 OF THE AURORA MUNICIPAL CODE.

WHEREAS, on August 1, 2002, the existing structure located on that real property owned by Edventures, Ltd. ("owner") and located in Historic Commercial Zone of the City of Aurora and commonly known as 21520 Main St. NE, Aurora, Oregon, 97002 being more particularly described as Marion County Tax Assessor's Parcel No. R97889 and Tax Map/Lot No. 041W12CD06300 ("subject property") was destroyed by fire leaving a small portion of the charred front façade standing, and the destroyed basement and property littered with debris and partially destroyed fixtures and personal property.

WHEREAS, the City of Aurora worked for years with the owner and the owner's representative to encourage a complete cleanup and reconstruction of the subject property.

WHEREAS, the City of Aurora finally authorized the Police Chief to issue a citation to Municipal Court for violation of the Development Code, Public Nuisance, and Abandoned Vehicle ordinances, the Municipal Judge found the owner's representative guilty and delayed sentencing to give the owner time to clean and rebuild the property. Then, the owner's representative eventually failed to cooperate with the Municipal Judge and he was fined \$2,000.00, which has now become a municipal lien on the subject property.

WHEREAS, in 2006, the City of Aurora, responding to continuing complaints from residents and businesses in the area, authorized the Police Chief to investigate and report on the status of the subject property and on any private abatement of the nuisance violations, which resulted in the Police Chief's detailed April 18, 2006 Report and his November 14, 2006 Report, the latter of which is attached as Exhibit A and is incorporated herein by this reference.

WHEREAS, the City of Aurora authorized the City Attorney to prepare and send a Notice – Order to Abate Nuisance and Notice of City Council Public Hearing, dated July 28, 2006, which Notices were sent to the owner and the owner's representatives by certified mail, return receipt requested, and which Notices were posted on the subject property by a Police Department Officer, both on July 28, 2006.

WHEREAS, within ten (10) days of the mailing and posting of the above Notices, the City of Aurora received a letter from the owner's representative protesting the Notices (which notice did not state that no nuisance exists), and requesting a hearing before the City Council.

WHEREAS, the City of Aurora conducted a hearing on the Notices on August 8, 2006, and the owner's representative appeared and offered extensive testimony, a summary of which is contained in the minutes to the City Council meeting of that same date.

WHEREAS, the City of Aurora has obtained a Proposal from Gary Wilmes Sand and Gravel, dated _____, which is attached as Exhibit B and is incorporated herein by this reference, in an amount necessary for the City to publicly abate any and all existing nuisances, including but not limited to removal of the remaining building structure, concrete foundation, basement foundation, concrete floor and all miscellaneous items from the subject property, and to restoration of the subject property to a safe level grade by filling the basement and all low areas with compacted engineered fill, which fill should be appropriate for the construction of a future building with a maximum height of thirty-five feet.

WHEREAS, the City of Aurora believes it is in the best interest of the City and its citizens to confirm, determine and declare that those structures, fixtures, infestations, and potential soil contaminations and personal property detailed in the Police Chief's Reports, and that those structures and personal property described in Gary Wilmes Sand and Gravel's Proposal are nuisances.

WHEREAS, the City of Aurora believes it is in the best interest of the City and its citizens to order the public abatement of the above referenced nuisances.

NOW, THEREFORE, based on the findings recited above, and on those findings contained in the attached Exhibits A and B, the City of Aurora does hereby confirm, determine, and declare that the nuisances do exist on that real property owned by Edventures, Ltd. and located within the City limits of Aurora, which is commonly known as 21520 Main St. NE, Aurora, Oregon, 97002, and is more particularly described as Marion County Tax Assessor's Parcel No. R97889 and Parcel No. 041W12CD06300, and does hereby authorize the City Recorder to expend City funds to abate the nuisances and assess all costs of the abatement to the subject property, including but not limited, to all costs of the physical abatement of the nuisances, and all costs of City staff and consultants time and expenses related to the declaration, prosecution, documentation and completion of the entire abatement process and all legal processes related thereto, including, but not limited to, the inspection and decontamination of the subject property, preparation of reports and other documents, and filing of any liens required for non-payment of all of the above costs, pursuant to all of the procedures and requirements of Chapter 8.08 of the Aurora Municipal Code, and all applicable state law.

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INTRODUCED AND ADOPTED this 14th day of November, 2006.

EFFECTIVE this 14th day of November, 2006.

By: Charles C. Donald
Charles Donald, Council President

ATTEST:

By: Laurie Boyce
Laurie Boyce, City Recorder

Aurora Police Department

City Ordinance Violation SUPPLEMENTAL REPORT Nov. 14, 2006 1615 hours

Location: 21510 Main Street NE
Aurora, OR 97002

Description: Former commercial building, Impressions Antiques
Destroyed by fire, August 1, 2002

Person involved:

EDDY, Rodger DOB: 12-22-1929 Male, White, 5'09, 135 lbs, OR D/L: 200379
2582 NW Lovejoy Street Portland, OR 97210

On November 14, 2006 at about 1615 hours, I visited the above location site of the original city ordinance violation of Chapter 8.08.050 Junk, Chapter 8.08.060 Creating a Hazard, Chapter 10.12.040 Abandoned Vehicles, Prohibited Action.

I observed that the premise had been abated of some violations that had been noted in my original report. I then began to document those conditions that continue to violate the Aurora city ordinances noted above.

Evidence:

Photograph

- 5626 1A>022 Stacks of lumber, assorted widths and lengths creating a nesting area for rats, mice, rodents and vermin.
- 5626 0A>024 In the background of the photo in the center is a junked vehicle – blue and white in blue over white delivery van. The vehicle is either inoperative and unlicensed or both.
- 5626 8A>008 Photograph from the backyard of Noel Kinder, Liberty Street, looking west into the premise of 21520 Main Street. A second view of the junked vehicle – blue and white in blue over white delivery van. The vehicle is either inoperative and unlicensed or both.
- 5628 10A>004 Photograph of an abandoned, non-operative, unlicensed vehicle. There are numerous steel wheels near the left front quarter panel of the vehicle and in the center of the photograph. In front of the wheels in the center, are vehicle parts that are rusty and obviously non-functional/non-working. There are buckets of metal scraps and or trash.

EXHIBIT A
PAGE 1 OF 2

Aurora Police Department

City Ordinance Violation (Continuation of Supplemental Nov. 14, 2006)

Location: 21510 Main Street NE
Aurora, OR 97002

- 5628 9A>006 Photograph of same abandoned vehicle as in photgraph # 5628 10A>004, red in color with rusted sections, unlicensed and non-operative. Automotive wheel in foreground.
- 5628 8A>008 View of right side of lean-to containing the above description including the noted vehicle. Miscellaneous scrap metal in plain view, automotive wheels, an automotive axle and the left wheel/drum exposed under scrap metal.
- 5626 5A>014 Photograph from Main Street, looking through the chain-link fence, of the dangerous/dilapidated building from the south side, from public or private property. Only several 2x4 's securing the west wall of the former building. An additional view from the public sidewalk of Main Street, of the abandoned blue over white delivery van. The vehicle is either inoperative and unlicensed or both.
- 5628 3A>017 The second photograph from the backyard of Noel Kinder, Liberty Street, looking west into the premise of 21520 Main Street. A second view of the junked vehicle – blue over white delivery van.
- 5628 2A>019 An additional photograph from the backyard of Noel Kinder, Liberty Street, looking west into the premise of 21520 Main Street. View of the dangerous/dilapidated building from the east side, from the private property of Mr. Kinder. A second view of the poorly secured west wall of the former building.

Each of the above described exposures/photographs is in violation of one or more of the noted City of Aurora Ordinances referring to; Junk, Creating a Hazard, or Abandoned Vehicles, Prohibited Action. I observed each of these violations on each of the dates documented above, that I inspected the property.

I am forwarding this report to City Recorder Boyce who in turn will be forward to City Attorney John Rankin. The evidence listed, 35mm photographs, have secured within the Aurora Police Department for chain of custody.

Chris D. Conboy, Chief of Police
November 22, 2006

Aurora Police Department

C:/my document/Eddy Ordinance Vio SUPPLMNTL

EXHIBIT A
PAGE 2 OF 2



GARY WILMES SAND & GRAVEL

P.O. BOX 1042
CANBY, OR 97013
PHONE (503) 266-3266
FAX (503) 263-4049
CCB# 57995

November 14, 2006

City of Aurora
21420 Main Street
Aurora, Oregon 97002

Attention: Bob Southard

Proposal

**Roger Eddy Site
Main Street
Aurora, Oregon**

Fill and compact basement area, approximately
50'x50'x9' deep, to City of Aurora specification
(TS99), 1,463 - ton washed screenings - Bar run
\$11.60/ton.

\$16,970.00

Price is good until December 31, 2006

Accepted by: _____

Date: _____