

RESOLUTION NO. 378

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, RELATING TO THE ABATEMENT OF DANGEROUS AND UNFIT BUILDINGS AND PREMISES; CONFIRMING A DECLARATION OF PUBLIC NUISANCE; PROVIDING FOR THE ABATEMENT OF DANGEROUS OR NUISANCE CONDITIONS; AUTHORIZING THE CITY ATTORNEY'S OFFICE TO TAKE SUCH ACTION, INCLUDING APPLICATION TO FEDERAL COURT FOR RELIEF ALL RELATED TO PROPERTY AT 900 AND 904 N. 155TH STREET AND 15555 AND 15565 AURORA AVENUE NORTH IN THE CITY (KING COUNTY PARCEL NOS. 1826049081, 182604952, 1826049453, 1826049454) WITHIN SECTION 18, TOWNSHIP 26 N., RANGE 4 E., W.M., KING COUNTY, WASHINGTON.

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES
HEREBY RESOLVE AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS

1.1 The City of Shoreline ("City") has jurisdiction and authority over property located at the following contiguous properties (the "Potala Shoreline Properties" or "Properties") commonly described as:

- a. 15555 Aurora Avenue N. Shoreline, WA 98133
- b. 904 N 155th Ave. (Street) Shoreline, WA 98133
- c. 15565 Aurora Avenue N. Shoreline, WA 98133
- d. 900 N. 155th Street, Shoreline, WA 98133

1.2 The Potala Shoreline Properties were scheduled for demolition necessary to commence development of the Properties and also to abate the conditions of the Properties which constitute a nuisance and a danger to the public. In preparation for the demolition, an asbestos and lead based paint survey was completed showing the properties were clean and the properties were fenced, as required by law, in order to move forward with demolition.

1.3 Apparently, due to a legal action commenced by the Securities and Exchange Commission in the United States District Court for Western Washington under case number 2: 15-cv-1350 against the owner of the Properties, Potala Shoreline, LLC, its principals and related

entities, the owner is either unable or unwilling to proceed with the demolition of the vacant buildings on the Property thereby creating a dangerous condition and there is no assurance that the owner can or will proceed with the demolition in the foreseeable future.

1.4 Inspections of the Property by the Shoreline Fire Department, City Police Department and Code Enforcement have been ongoing and on September 9, 2015 the City was notified by the Fire Department that the Property was a danger to public health and safety and constituted a nuisance. Subsequent inspections of the Property have confirmed the findings of the Fire Department and the condition of the Properties constitute ongoing violations of Shoreline Municipal Code 20.30.740(A)(3) and Chapter 15.05 of the Shoreline Municipal Code, which adopts the 2009 International Property Maintenance Code as amended.

1.5 The Property contains unsafe structures as defined in Section 108 of the International Property Maintenance Code and is an immediate and emergent threat to public health, safety and welfare. The condition of the Property also constitutes a nuisance under applicable state law and city code provisions.

1.6 On October 9, 2015 the City issued Notices of Violation and Orders to Correct each of the Buildings on the Properties as more fully stated in such Notices attached as Exhibits 1, 2, 3 and 4 hereto.

1.7 The City has now determined to pursue further action deemed necessary to remedy the dangerous condition of the property as expeditiously as is feasible, including petitioning the federal court for relief.

SECTION 2. PUBLIC HEALTH AND SAFETY NEED DECLARED

The public convenience, health and necessity demand that the condition of Property, described in greater detail in the Exhibits to this Resolution, be abated by such action of the City and its Counsel as is feasible under law.

SECTION 3. PROSECUTION AUTHORIZED

3.1 The City Attorney, or the City's Special Counsel, in cooperation with the Office of City Attorney, are hereby authorized and directed to begin to prosecute the actions and

proceedings as may be necessary to carry out this resolution. In conducting any such proceedings, the City's legal counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages and costs to the City.

SECTION 4. AUTHORITY

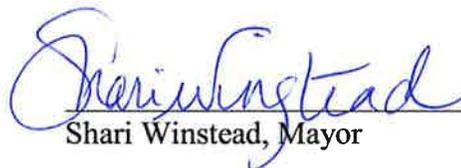
4.1 Nothing in this Resolution limits the authority of the City or the City Manager and the City may take further or different action regarding the Property.

4.2 The City Manager, in consultation with the City's legal counsel, is expressly authorized to make minor amendments to the street addresses and/or legal description of properties described in the attached Exhibits 1 through 4, as may become necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property and the need of the City as authorized herein.

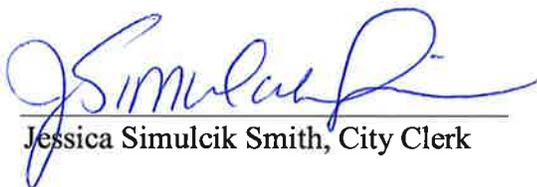
SECTION 5. EFFECTIVE DATE

This Resolution shall be in full force and effect immediately upon its adoption by the Council.

ADOPTED BY THE CITY COUNCIL ON OCTOBER 19, 2015.


Shari Winstead, Mayor

ATTEST:


Jessica Simulcik Smith, City Clerk



Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

NOTICE OF VIOLATION AND ORDER TO CORRECT
CONDEMNATION OF BUILDING

October 9, 2015

Potala Shoreline LLC
Registered Agent: Lobsang Dargey
PO Box 13261
Everett, WA 98201

Re: Code Enforcement Case Number: 1729

Dear Mr. Dargey:

You are hereby notified that the Director of Planning & Community Development has found you to be the responsible party for code violations located at:

ADDRESS OF VIOLATION: 15555 Aurora Ave N, Shoreline, WA 98133

PARCEL NUMBER: 1826049081

LEGAL DESCRIPTION: POR OF SE 1/4 OF NW 1/4 DAF - BEG AT CTR OF SD SEC WCH IS ALSO PT ON C/L PSH #1 N 115TH ST TO N 160TH ST TH N 01-49-30 W ALG SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S 88-50-30 W 160 FT TH N 77-45-13 W 338.06 FT TH N 37-29-30 E ALG SELY MGN OF WESTM. JSTER WY N 270.59 FT TO TPOB TH CONTG ALG SD MGN N 37-29-30 E 166.41 FT TO BEG OF CRV CONCAVE TO NW WITH RAD 1191.27 FT TH NELY ALG SD CRV 26.74 FT THRU C/A OF 01-17-10 TO RADIAL LN OF SD CRV WCH BEARS S 53-47-40 E TH LEAVING SD MGN ON PROLOGATION OF SD RADIAL S 53-

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47-40 E 49.64 FT TH S 01-09-31E 114.95 FT TH S
88-50-30 W 55.22 FT TH S 37-29-30 W 70.00 FT
TH N 52-30-30 W 78.00 FT TO TPOB PER KC
LLA #883110

For Complete Legal Description see attached
"Exhibit A"

VIOLATION

This property is being maintained as a dangerous/unfit building/premise in violation of the provisions of the Shoreline Municipal Code. This property has been declared a public nuisance.

This property was scheduled for demolition and had been fenced pending the issuance of the demolition permits by the City. As a result of an SEC action filed in Federal Court on August 25, 2015, activity on the property has been frozen. On September 9, 2015, the City was notified by the Shoreline Fire Department that the above property was a public health and safety nuisance. Subsequent inspections have verified continuing violations of the Shoreline Municipal Code 20.30.740(A)(3) and Chapter 15.05 of the Shoreline Municipal Code, which adopts the 2009 International Property Maintenance Code as amended. Because of the condition of the property, which contains unsafe structures, as defined in Section 108 of the International Property Maintenance Code, the site in its current pre-demolition condition is an immediate and emergent threat to public health, safety and welfare.

NOTICE OF CONDEMNATION

The provisions of the International Property Maintenance Code constitutes the minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance (IPMC 101).

Violations of the International Property Maintenance Code are unlawful acts (IPMC 106.1).

When a structure is found to be unlawful, such structure may be condemned (IPMC 108.1).

Violations of the International Property Maintenance Code include, but are not limited to:

- The premise is not being maintained by the owner. The structures and exterior property are not in compliance with the requirements of the property maintenance code and the buildings have not been properly maintained. Person(s) are unlawfully entering and occupying the premises which are not in a sanitary and safe condition for occupancy and which do not comply with the requirements of this chapter. See attached pictures. (IPMC 301.2)

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- All of the vacant structures and premises thereof are not being maintained in a clean, safe, secure and sanitary condition as provided herein so as to be causing a blighting problem and/or adversely affecting the public health or safety by creating an attractive nuisance. See attached pictures. See attached pictures. (IPMC 301.3)
- All exterior property and premises are not being maintained in a clean, safe and sanitary condition. See attached pictures (IPMC 302.1)
- All structures and exterior property are not being kept free from rodent harborage and infestation in accordance with the King County Board of Health Code 8.06. See attached pictures (IPMC 302.5)
- There has been damage, mutilation or defacing of the interior and exterior surface of the structure(s) or building(s) on the property. There are holes in the walls, broken windows, and graffiti on the property. See attached pictures. (IPMC 302.9)
- The exterior of the structure(s) are not being maintained in good repair, structurally sound and sanitary and, therefore, are posing a threat to the public health, safety or welfare. There are broken windows and holes in the walls and the roof allowing access to the building by drug users, transients, children, animals, and the elements. See attached pictures. (IPMC 304.1)
- Exterior walls have holes, breaks, and loose or rotting materials; and are not being maintained to be weatherproof and /or properly surface coated to prevent deterioration. See attached pictures. (IPMC 304.6)

Required Corrective Action

The Director has determined that the violations on the subject property must be made to comply with the following:

- A. Under proper permit(s), demolish the buildings; **or**
- B. Under proper permits(s), repair the buildings in accordance with the International Building Code and other current codes to occupancy standards;
or
- C. Under proper permit(s), bring the structures into compliance with the City of Shoreline Property Maintenance Code and maintain the property and adequately secure all of the property against unlawful entry.

Compliance Date

The unfit/dangerous building and premise must be immediately secured against unlawful entry. You are responsible for maintaining the secured condition of the building and the premises. Failure to maintain the secured condition of the building/premises will result in the assessment of penalties. The current chain link fencing and boarding has not been adequate to secure the premises.

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All permits required to perform the corrective action must be obtained from the proper issuing agency. A complete and acceptable application for permit(s) must be received into the City **within 30 days from the date of this letter or if timely appealed, 30 days following the final determination of the City.**

The required corrective actions must be completed, including a final inspection by appropriate City of Shoreline staff **within 60 days after notification that the permit is ready to be issued.**

The dates set for compliance in this Notice and Order takes precedence over any date that may be established for the expiration of any required permit(s) and will be subordinate only to a written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the sole discretion of the Director of Planning and Community Development. Substantial progress towards compliance is mandatory condition for granting an extension. Requests for extensions must be made at least seven days before the established compliance date. Requests for extensions shall be made in writing, directed to the undersigned Code Enforcement Officer, and shall include a description of the work completed, the reason for the extension request and a detailed work-plan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

Penalties

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Court for injunctive or other relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

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Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is written may request an appeal of this Notice and Order. An Appeal must be filed in writing and the appeal must be prepared in accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220. Written appeal statements must comply with, and appeal hearings are conducted in accordance with, *City of Shoreline Rules of Procedure for Administrative Hearings, Hearings before the Hearing Examiner*. More specific information on appeals is available through the City Clerk's Office online, or at 17500 Midvale Avenue North, Shoreline, WA 98133. The written Appeal must be received by the City Clerk no later than 5:00 p.m. within fourteen days following service of this Notice and Order. *An appeal fee of \$484.75 is required at the time of filing an appeal.*

Failure to appeal within fourteen days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order.

For questions regarding compliance with this Order, please contact Kristie Anderson, Code Enforcement Officer, at kanderson@shorelinewa.gov or by calling 206.801.2535.

Sincerely,



Kristie Anderson
Code Enforcement Officer

ORIGINAL

Parcel Identification Number: **1826049081**

Commonly known as: 15555 Aurora Avenue North
Shoreline WA 98133

Exhibit A

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, more particularly described as follows:

Beginning at the most Southwesterly corner of that certain parcel of land, as said parcel is shown and so designated as "site area" on that certain record of survey for People's National Bank (Joshua Green Trust) Aurora Triangle survey, recorded in book 6 of surveys, page 274, under recording number 7607010477, in King County, Washington;

Thence along the Southeasterly margin of Westminster Way North (Holman Road No. 2), as said margin is shown and so delineated on said record of survey, North 37°29'30" East 270.59 feet to the true point of beginning;

Thence continuing along said margin North 37°29'30" East 166.41 feet to the beginning of a curve concave to the northwest with a radius of 1191.27 feet;

Thence northeasterly along said curve 26.74 feet through a central angle of 01°17'10" to a radial line of said curve which bears South 53°47'40" East;

Thence leaving said margin on the prolongation of said radial South 53°47'40" East 49.64 feet;

Thence South 01°09'30" East 114.95 feet;

Thence South 88°50'30" West 55.22 feet;

Thence South 37°29'30" West 70.00 feet;

Thence North 52°30'30" West 78.00 feet to the true point of beginning.

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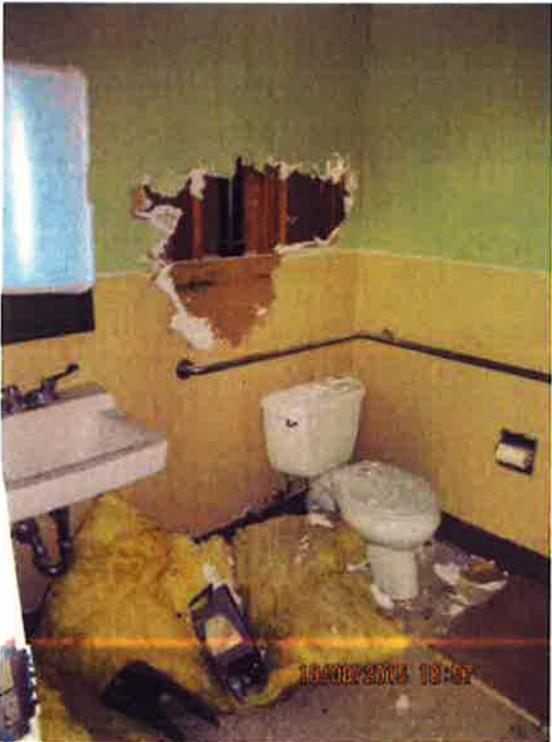
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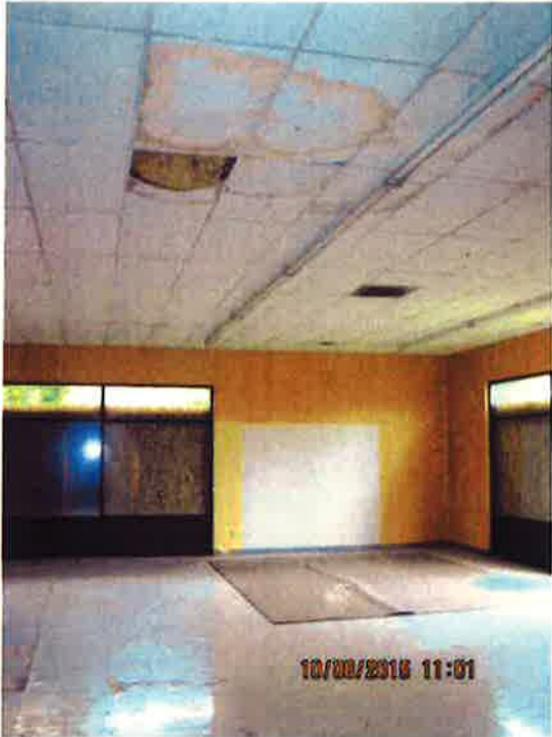
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Planning & Community Development

17500 Midvale Avenue North

Shoreline, WA 98133-4905

(206) 801-2500 ♦ Fax (206) 801-2788

NOTICE OF VIOLATION AND ORDER TO CORRECT
CONDEMNATION OF BUILDING

October 9, 2015

Potala Shoreline LLC
Registered Agent: Lobsang Dargey
PO Box 13261
Everett, WA 98201

Re: Code Enforcement Case Number: 1730

Dear Mr. Dargey:

You are hereby notified that the Director of Planning & Community Development has found you to be the responsible party for code violations located at:

found you to be the responsible party for code violations located at:

ADDRESS OF VIOLATION: 904 N 155th Avenue, Shoreline WA 98133

PARCEL NUMBER: 1826049452

LEGAL DESCRIPTION: POR OF SE 1/4 OF NW 1/4 BEG AT CTR OF SD SEC WCH IS ALSO PT ON C/L PSH #1 N 115TH ST TO N 160 TH ST TH N 01-09-30 W ALG SD C/L 88.50 FT TO HWY ENGR SURVEY STA 186+44.4 TH S 88-50-30 W 160 FT TO POB TH N 01-09-30 W PLW SD C/L 215 FT TH S 88-50-30 W 123.55 FT TH S 37-29-30 W 52.16 FT TH S 01-09-30 E PLW SD C/L 137.06 FT TO N LN OF N 155TH ST TH S 77-45-13 E 160.50 FT TO POB

For Complete Legal Description see attached "Exhibit A".

ORIGINAL

VIOLATION

This property is being maintained as a dangerous/unfit building/premise in violation of the provisions of the Shoreline Municipal Code. This property has been declared a public nuisance.

This property was scheduled for demolition and had been fenced pending the issuance of the demolition permits by the City. As a result of an SEC action filed in Federal Court on August 25, 2015, activity on the property has been frozen. On September 9, 2015, the City was notified by the Shoreline Fire Department that the above property was a public health and safety nuisance. Subsequent inspections have verified continuing violations of the Shoreline Municipal Code 20.30.740(A)(3) and Chapter 15.05 of the Shoreline Municipal Code, which adopts the 2009 International Property Maintenance Code as amended. Because of the condition of the property, which contains unsafe structures, as defined in Section 108 of the International Property Maintenance Code, the site in its current pre-demolition condition is an immediate and emergent threat to public health, safety and welfare.

NOTICE OF CONDEMNATION

The provisions of the International Property Maintenance Code constitutes the minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance (IPMC 101).

Violations of the International Property Maintenance Code are unlawful acts (IPMC 106.1).

When a structure is found to be unlawful, such structure may be condemned (IPMC 108.1).

Violations of the International Property Maintenance Code include, but are not limited to:

- The premise is not being maintained by the owner. The structures and exterior property are not in compliance with the requirements of the property maintenance code and the buildings have not been properly maintained. Person(s) are unlawfully entering and occupying the premises which are not in a sanitary and safe condition for occupancy and which do not comply with the requirements of this chapter. See attached pictures. (IPMC 301.2)
- All of the vacant structures and premises thereof are not being maintained in a clean, safe, secure and sanitary condition as provided herein so as to be causing a blighting problem and/or adversely affecting the public health or safety by creating an attractive nuisance. See attached pictures. See attached pictures. (IPMC 301.3)
- All exterior property and premises are not being maintained in a clean, safe and sanitary condition. See attached pictures (IPMC 302.1)

ORIGINAL

- All structures and exterior property are not being kept free from rodent harborage and infestation in accordance with the King County Board of Health Code 8.06. See attached pictures (IPMC 302.5)
- There has been damage, mutilation or defacing of the interior and exterior surface of the structure(s) or building(s) on the property. There are holes in the walls, broken windows, and graffiti on the property. See attached pictures. (IPMC 302.9)
- The exterior of the structure(s) are not being maintained in good repair, structurally sound and sanitary and, therefore, are posing a threat to the public health, safety or welfare. There are broken windows and holes in the walls and the roof allowing access to the building by drug users, transients, children, animals, and the elements. See attached pictures. (IPMC 304.1)
- Exterior walls have holes, breaks, and loose or rotting materials; and are not being maintained to be weatherproof and /or properly surface coated to prevent deterioration. See attached pictures. (IPMC 304.6)

Required Corrective Action

The Director has determined that the violations on the subject property must be made to comply with the following:

- A. Under proper permit(s), demolish the buildings; **or**
- B. Under proper permits(s), repair the buildings in accordance with the International Building Code and other current codes to occupancy standards; **or**
- C. Under proper permit(s), bring the structures into compliance with the City of Shoreline Property Maintenance Code and maintain the property and adequately secure all of the property against unlawful entry.

Compliance Date

The unfit/dangerous building and premise must be immediately secured against unlawful entry. You are responsible for maintaining the secured condition of the building and the premises. Failure to maintain the secured condition of the building/premises will result in the assessment of penalties. The current chain link fencing and boarding has not been adequate to secure the premises.

All permits required to perform the corrective action must be obtained from the proper issuing agency. A complete and acceptable application for permit(s) must be received into the City **within 30 days from the date of this letter or if timely appealed, 30 days following the final determination of the City.**

The required corrective actions must be completed, including a final inspection by appropriate City of Shoreline staff **within 60 days after notification that the permit is ready to be issued.**

ORIGINAL

The dates set for compliance in this Notice and Order takes precedence over any date that may be established for the expiration of any required permit(s) and will be subordinate only to a written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the sole discretion of the Director of Planning and Community Development. Substantial progress towards compliance is mandatory condition for granting an extension. Requests for extensions must be made at least seven days before the established compliance date. Requests for extensions shall be made in writing, directed to the undersigned Code Enforcement Officer, and shall include a description of the work completed, the reason for the extension request and a detailed work-plan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

Penalties

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Court for injunctive or other relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

Appeal

Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is written may request an appeal of this Notice and Order. An Appeal must be filed in writing and the appeal must be prepared in accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220. Written appeal statements must comply with, and appeal hearings are conducted in accordance with, *City of Shoreline Rules of Procedure for Administrative Hearings*,

ORIGINAL

Hearings before the Hearing Examiner. More specific information on appeals is available through the City Clerk's Office online, or at 17500 Midvale Avenue North, Shoreline, WA 98133. The written Appeal must be received by the City Clerk no later than 5:00 p.m. within fourteen days following service of this Notice and Order. *An appeal fee of \$484.75 is required at the time of filing an appeal.*

Failure to appeal within fourteen days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order.

For questions regarding compliance with this Order, please contact Kristie Anderson, Code Enforcement Officer, at kanderson@shorelinewa.gov or by calling 206.801.2535.

Sincerely,



Kristie Anderson
Code Enforcement Officer

ORIGINAL

Parcel Identification Number: **1826049452**
Commonly known as: 904 N 155th Avenue
Shoreline WA 98133

Exhibit A

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at center of said Section 18, which is also a point on the centerline of Primary State Highway No. 1, North 115th Street to North 160th Street, as now located and of record in the office of the director of highways at Olympia, Washington, at highway engineer's survey station 185+55.9;
Running thence North 1°09'30" West along said centerline a distance of 88.50 feet to highway engineer's survey station 186+44.4;
Thence South 88°50'30" West a distance of 160.00 feet to the point of beginning of this description (which point is the southwesterly corner of that certain portion of the abandoned state road conveyed to Puget Sound Power & Light Company, a corporation, by deed recorded under recording number 3954784, bearing date of September 29, 1949);
Thence North 1°09'30" West parallel with said centerline a distance of 215.00 feet;
Thence South 88°50'30" West (at right angles) 123.55 feet;
Thence South 37°29'30" West 52.16 feet;
Thence South 1°09'30" East parallel with said centerline 137.06 feet to the North line of North 155th street, which point is on southerly line of said certain tract of land recorded under recording number 5829779;
Thence South 77°45'13" East (South 77°45'00" East from record deed) 160.50 feet to the point of beginning.

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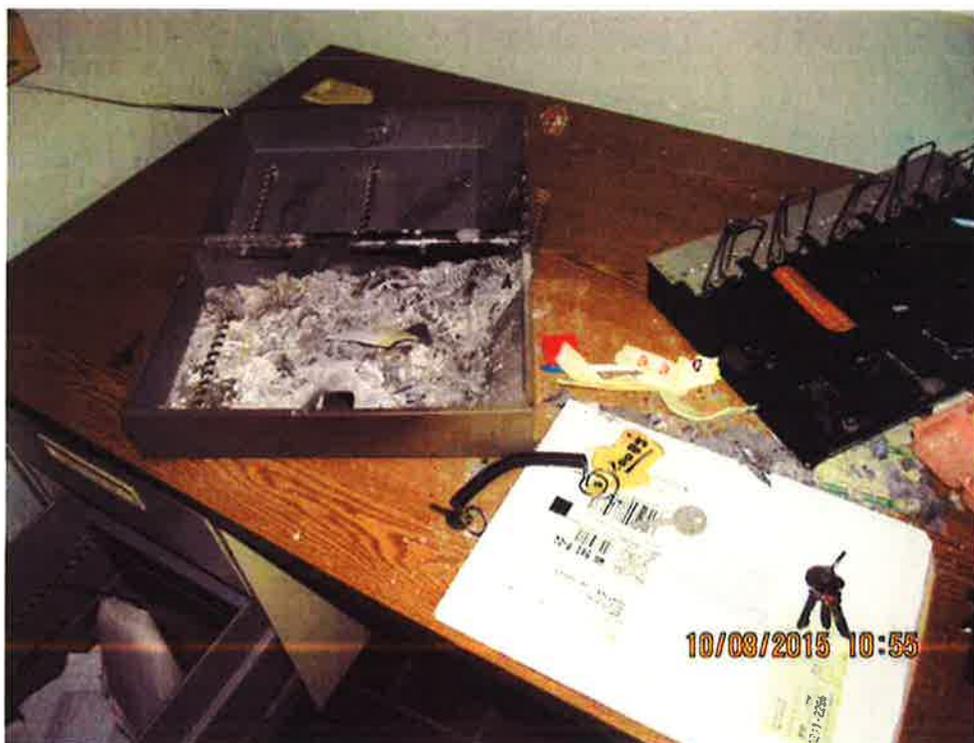
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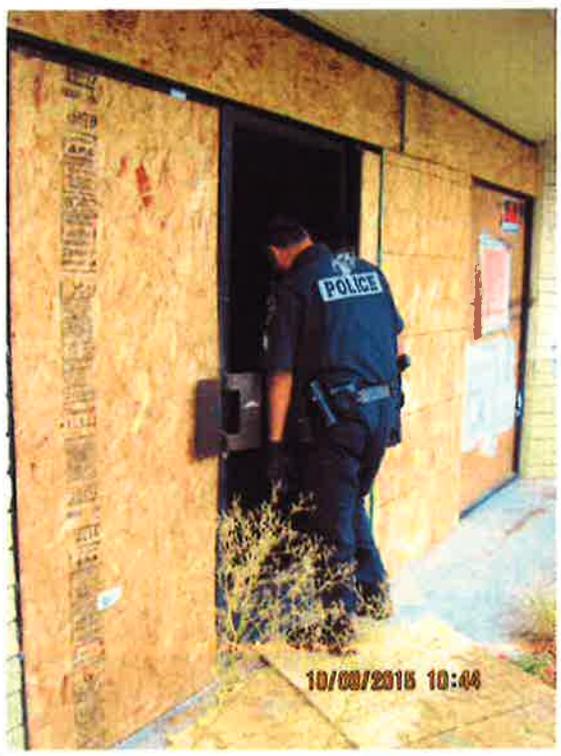
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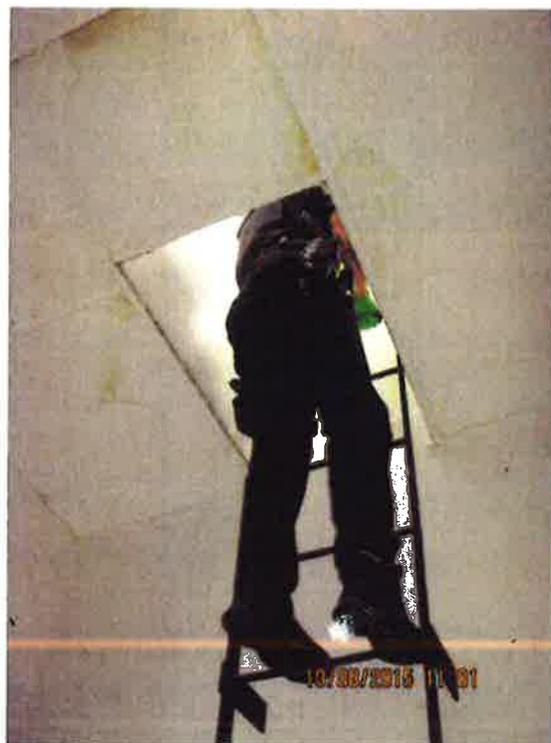
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Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

NOTICE OF VIOLATION AND ORDER TO CORRECT
CONDEMNATION OF BUILDING

October 9, 2015

Potala Shoreline LLC
Registered Agent: Lobsang Dargey
PO Box 13261
Everett, WA 98201

Re: Code Enforcement Case Number: 1731

Dear Mr. Dargey:

You are hereby notified that the Director of Planning & Community Development has found you to be the responsible party for code violations located at:

ADDRESS OF VIOLATION: 15565 Aurora Avenue N, Shoreline, WA 98133

PARCEL NUMBER: 1826049453

LEGAL DESCRIPTION: POR OF SE 1/4 OF NW 1/4 BEG AT CTR OF SD SEC WCH IS ALSO PT ON C/L PSH #1 N 115TH TO N 160TH ST TH N 01-09-30 W ALG SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S 88-50-30 W 160 FT TH N 01-09-30 W 435.60 FT TO POB TH N 38-38-50 E 156.21 FT TH N 01-09-30 W 119.06 FT TO NXN WITH LN DRWN PLW & 45 FT SELY WHEN MEAS RADIALLY FR C/L OF WESTMINSTER WY N AS NOW ESTAB SD NXN BEING ON ARC OF CRV TO RGT HAVING RAD OF 1191.27 FT CTR PT OF WCH BEARS N 66-55-19 W TH SWLY PLW & 45 FT SELY OF SD C/L OF WESTMINSTER WY N ALG

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ARC OF SD CRV 272.94 FT TAP WCH BEARS S
53-47-40 E PR SD CTR PT TH S 53-47-40 E 49.64
FT TAP ON W LN OF SD PARCEL DEEDED TO
PSP&L CO TH N 01-09-30 W 25 FT TO POB
LESS POR FOR R/W PER

For Complete Legal Description see attached
"Exhibit A"

VIOLATION

This property is being maintained as a dangerous/unfit building/premise in violation of the provisions of the Shoreline Municipal Code. This property has been declared a public nuisance.

This property was scheduled for demolition and had been fenced pending the issuance of the demolition permits by the City. As a result of an SEC action filed in Federal Court on August 25, 2015, activity on the property has been frozen. On September 9, 2015, the City was notified by the Shoreline Fire Department that the above property was a public health and safety nuisance. Subsequent inspections have verified continuing violations of the Shoreline Municipal Code 20.30.740(A)(3) and Chapter 15.05 of the Shoreline Municipal Code, which adopts the 2009 International Property Maintenance Code as amended. Because of the condition of the property, which contains unsafe structures, as defined in Section 108 of the International Property Maintenance Code, the site in its current pre-demolition condition is an immediate and emergent threat to public health, safety and welfare.

NOTICE OF CONDEMNATION

The provisions of the International Property Maintenance Code constitutes the minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance (IPMC 101).

Violations of the International Property Maintenance Code are unlawful acts (IPMC 106.1).

When a structure is found to be unlawful, such structure may be condemned (IPMC 108.1).

Violations of the International Property Maintenance Code include, but are not limited to:

- The premise is not being maintained by the owner. The structures and exterior property are not in compliance with the requirements of the property maintenance code and the buildings have not been properly maintained. Person(s) are unlawfully entering and occupying the premises which are not in a sanitary and safe condition for occupancy and which do not comply with the requirements of this chapter. See attached pictures. (IPMC 301.2)

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- All of the vacant structures and premises thereof are not being maintained in a clean, safe, secure and sanitary condition as provided herein so as to be causing a blighting problem and/or adversely affecting the public health or safety by creating an attractive nuisance. See attached pictures. See attached pictures. (IPMC 301.3)
- All exterior property and premises are not being maintained in a clean, safe and sanitary condition. See attached pictures (IPMC 302.1)
- All structures and exterior property are not being kept free from rodent harborage and infestation in accordance with the King County Board of Health Code 8.06. See attached pictures (IPMC 302.5)
- There has been damage, mutilation or defacing of the interior and exterior surface of the structure(s) or building(s) on the property. There are holes in the walls, broken windows, and graffiti on the property. See attached pictures. (IPMC 302.9)
- The exterior of the structure(s) are not being maintained in good repair, structurally sound and sanitary and, therefore, are posing a threat to the public health, safety or welfare. There are broken windows and holes in the walls and the roof allowing access to the building by drug users, transients, children, animals, and the elements. See attached pictures. (IPMC 304.1)
- Exterior walls have holes, breaks, and loose or rotting materials; and are not being maintained to be weatherproof and /or properly surface coated to prevent deterioration. See attached pictures. (IPMC 304.6)

Required Corrective Action

The Director has determined that the violations on the subject property must be made to comply with the following:

- A. Under proper permit(s), demolish the buildings; **or**
- B. Under proper permits(s), repair the buildings in accordance with the International Building Code and other current codes to occupancy standards; **or**
- C. Under proper permit(s), bring the structures into compliance with the City of Shoreline Property Maintenance Code and maintain the property and adequately secure all of the property against unlawful entry.

Compliance Date

The unfit/dangerous building and premise must be immediately secured against unlawful entry. You are responsible for maintaining the secured condition of the building and the premises. Failure to maintain the secured condition of the building/premises will result in the assessment of penalties. The current chain link fencing and boarding has not been adequate to secure the premises.

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All permits required to perform the corrective action must be obtained from the proper issuing agency. A complete and acceptable application for permit(s) must be received into the City **within 30 days from the date of this letter or if timely appealed, 30 days following the final determination of the City.**

The required corrective actions must be completed, including a final inspection by appropriate City of Shoreline staff **within 60 days after notification that the permit is ready to be issued.**

The dates set for compliance in this Notice and Order takes precedence over any date that may be established for the expiration of any required permit(s) and will be subordinate only to a written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the sole discretion of the Director of Planning and Community Development. Substantial progress towards compliance is mandatory condition for granting an extension. Requests for extensions must be made at least seven days before the established compliance date. Requests for extensions shall be made in writing, directed to the undersigned Code Enforcement Officer, and shall include a description of the work completed, the reason for the extension request and a detailed work-plan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

Penalties

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Court for injunctive or other relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

ORIGINAL**Appeal**

Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is written may request an appeal of this Notice and Order. An Appeal must be filed in writing and the appeal must be prepared in accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220. Written appeal statements must comply with, and appeal hearings are conducted in accordance with, *City of Shoreline Rules of Procedure for Administrative Hearings, Hearings before the Hearing Examiner*. More specific information on appeals is available through the City Clerk's Office online, or at 17500 Midvale Avenue North, Shoreline, WA 98133. The written Appeal must be received by the City Clerk no later than 5:00 p.m. within fourteen days following service of this Notice and Order. *An appeal fee of \$484.75 is required at the time of filing an appeal.*

Failure to appeal within fourteen days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order.

For questions regarding compliance with this Order, please contact Kristie Anderson, Code Enforcement Officer, at kanderson@shorelinewa.gov or by calling 206.801.2535.

Sincerely,



Kristie Anderson
Code Enforcement Officer

ORIGINALParcel Identification Number: **1826049453**Commonly known as: 15565 Aurora Avenue North
Shoreline WA 98133**Exhibit A**

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, more particularly described as follows:

Commencing at the center of said Section 18, which is also a point on the centerline of Primary State Highway No. 1, North 115th Street to North 160th Street, as now located and of record in the office of the director of highways at Olympia, Washington, at highway engineer's survey station 185+55.9;

Running thence North $1^{\circ}09'30''$ West along said centerline a distance of 88.50 feet to highway engineer's survey station 186+44.4;

Thence South $88^{\circ}50'30''$ West a distance of 160.00 feet to a point which is the Southwesterly corner of that certain portion of the abandoned state road conveyed to Puget Sound Power & Light Company, a corporation, by deed recorded under recording number 3954784, bearing date of September 29, 1949;

Thence North $1^{\circ}09'30''$ West parallel with said centerline a distance of 435.60 feet to the point of beginning of this description, which point is northwesterly corner of said deeded tract conveyed to Puget Sound Power & Light Company;

Thence North $38^{\circ}38'50''$ East, along the northerly line of said deeded tract, a distance of 156.21 feet to a point which is 60 feet distant westerly, when measured at right angles, from said centerline;

Thence North $1^{\circ}09'30''$ East and parallel with said centerline a distance of 119.06 feet, to an intersection with a line drawn parallel with and 45 feet distant southeasterly, when measured radially, from the

centerline of Westminister Way (formerly Holman road no. 2) as now established, said intersection being on the arc of a curve to the right having a radius of 1191.27 feet, the center point of which bears North $66^{\circ}55'19''$ West;

Thence southwesterly parallel with and 45 feet southeasterly of said centerline of Westminister Way, along the arc of said curve, a distance of 272.94 feet, to a point which bears South $53^{\circ}47'40''$ East from said center point;

Thence South $53^{\circ}47'40''$ East a distance of 49.64 feet to a point on the West line of said parcel deeded to Puget Sound Power & Light Company;

Thence North $1^{\circ}09'30''$ West, along the west line of said deeded parcel, 25.00 feet to the point of beginning;

Except that portion thereof conveyed to the City of Shoreline pursuant to statutory warranty deed recorded under recording number 20090121001291.

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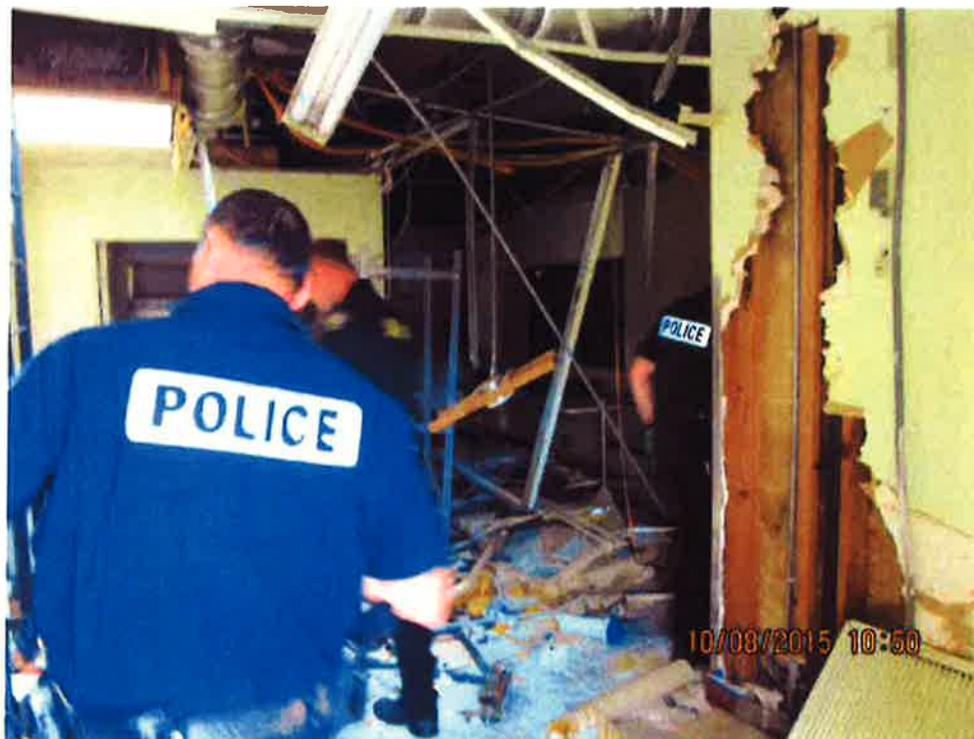
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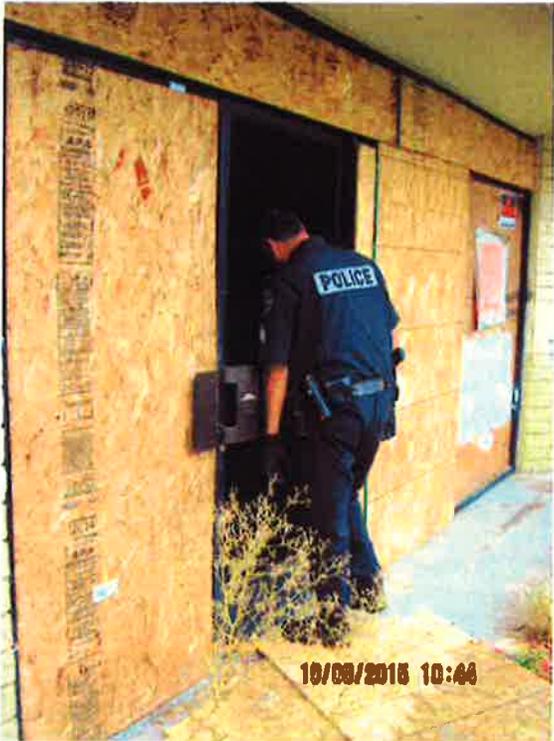
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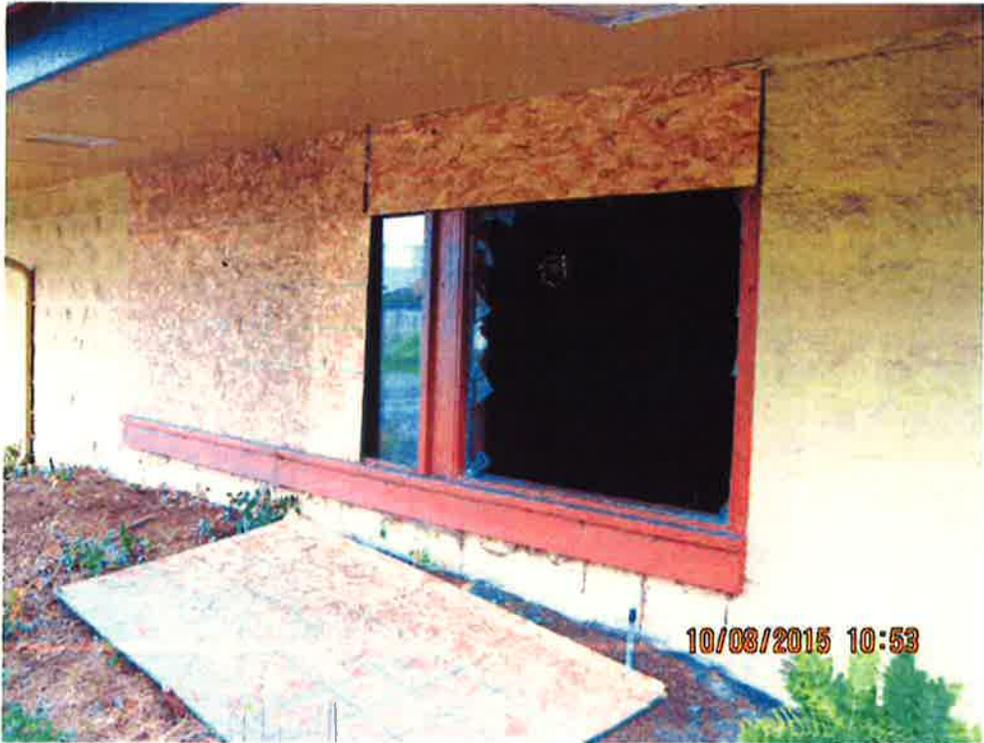
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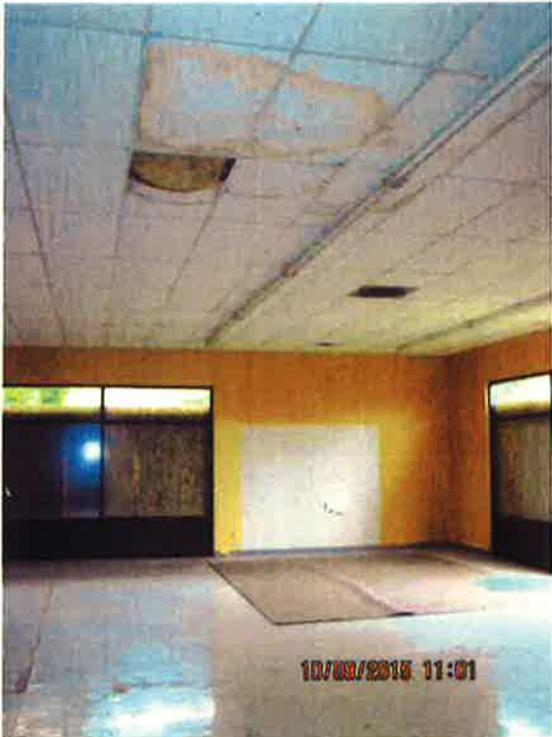
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Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

NOTICE OF VIOLATION AND ORDER TO CORRECT
CONDEMNATION OF BUILDING

October 9, 2015

Potala Shoreline LLC
Registered Agent: Lobsang Dargey
PO Box 13261
Everett, WA 98201

Re: Code Enforcement Case Number: 1732

Dear Mr. Dargey:

You are hereby notified that the Director of Planning & Community Development has found you to be the responsible party for code violations located at:

ADDRESS OF VIOLATION:	900 N 155th Street, Shoreline WA 98133
PARCEL NUMBER:	1826049454
LEGAL DESCRIPTION:	POR OF SE 1/4 OF NW 1/4 DAF - BEG AT CTR OF SD SEC WCH IS ALSO PT ON C/L PSH #1 N 115TH TO N 160TH ST TH N 01-49-30 W ALG SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S 88-50-30 W 160 FT TH N 77-45-13 W 338.06 FT TO TPOB TH N 37-29-30 E ALG SELY MGN OF WESTMINSTER WY N 270.59 FT TH S 52-30-30 E 78.00 FT TH N 37-29-30 E 70.00 FT TH N 88-50-30 E 55.22 FT TH S 01-09-30 E 80.65 FT TH S 88-50-30 W 123.55 FT TH S 37-29-30 W 52.16 FT TH S 01-09-31 E 137.06 FT TH N 77-45-13 W 177.56 FT TO TPOB - PER KC LLA #883110

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For Complete Legal Description see attached
"Exhibit A"

VIOLATION

This property is being maintained as a dangerous/unfit building/premise in violation of the provisions of the Shoreline Municipal Code. This property has been declared a public nuisance.

This property was scheduled for demolition and had been fenced pending the issuance of the demolition permits by the City. As a result of an SEC action filed in Federal Court on August 25, 2015, activity on the property has been frozen. On September 9, 2015, the City was notified by the Shoreline Fire Department that the above property was a public health and safety nuisance. Subsequent inspections have verified continuing violations of the Shoreline Municipal Code 20.30.740(A)(3) and Chapter 15.05 of the Shoreline Municipal Code, which adopts the 2009 International Property Maintenance Code as amended. Because of the condition of the property, which contains unsafe structures, as defined in Section 108 of the International Property Maintenance Code, the site in its current pre-demolition condition is an immediate and emergent threat to public health, safety and welfare.

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When a structure is found to be unlawful, such structure may be condemned (IPMC 108.1).

Violations of the International Property Maintenance Code include, but are not limited to:

- The premise is not being maintained by the owner. The structures and exterior property are not in compliance with the requirements of the property maintenance code and the buildings have not been properly maintained. Person(s) are unlawfully entering and occupying the premises which are not in a sanitary and safe condition for occupancy and which do not comply with the requirements of this chapter. See attached pictures. (IPMC 301.2)
- All of the vacant structures and premises thereof are not being maintained in a clean, safe, secure and sanitary condition as provided herein so as to be causing a blighting problem and/or adversely affecting the public health or safety by creating an attractive nuisance. See attached pictures. See attached pictures. (IPMC 301.3)

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- All exterior property and premises are not being maintained in a clean, safe and sanitary condition. See attached pictures (IPMC 302.1)
- All structures and exterior property are not being kept free from rodent harborage and infestation in accordance with the King County Board of Health Code 8.06. See attached pictures (IPMC 302.5)
- There has been damage, mutilation or defacing of the interior and exterior surface of the structure(s) or building(s) on the property. There are holes in the walls, broken windows, and graffiti on the property. See attached pictures. (IPMC 302.9)
- The exterior of the structure(s) are not being maintained in good repair, structurally sound and sanitary and, therefore, are posing a threat to the public health, safety or welfare. There are broken windows and holes in the walls and the roof allowing access to the building by drug users, transients, children, animals, and the elements. See attached pictures. (IPMC 304.1)
- Exterior walls have holes, breaks, and loose or rotting materials; and are not being maintained to be weatherproof and /or properly surface coated to prevent deterioration. See attached pictures. (IPMC 304.6)

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The Director has determined that the violations on the subject property must be made to comply with the following:

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or
- C. Under proper permit(s), bring the structures into compliance with the City of Shoreline Property Maintenance Code and maintain the property and adequately secure all of the property against unlawful entry.

Compliance Date

The unfit/dangerous building and premise must be immediately secured against unlawful entry. You are responsible for maintaining the secured condition of the building and the premises. Failure to maintain the secured condition of the building/premises will result in the assessment of penalties. The current chain link fencing and boarding has not been adequate to secure the premises.

All permits required to perform the corrective action must be obtained from the proper issuing agency. A complete and acceptable application for permit(s) must be received into the City **within 30 days** from the date of this letter or if timely appealed, **30 days following the final determination of the City.**

ORIGINAL

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Penalties

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Court for injunctive or other relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

Appeal

Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is written may request an appeal of this Notice and Order. An Appeal must be filed in writing and the appeal must be prepared in

ORIGINAL

accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220. Written appeal statements must comply with, and appeal hearings are conducted in accordance with, *City of Shoreline Rules of Procedure for Administrative Hearings, Hearings before the Hearing Examiner*. More specific information on appeals is available through the City Clerk's Office online, or at 17500 Midvale Avenue North, Shoreline, WA 98133. The written Appeal must be received by the City Clerk no later than 5:00 p.m. within fourteen days following service of this Notice and Order. *An appeal fee of \$484.75 is required at the time of filing an appeal.*

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This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order.

For questions regarding compliance with this Order, please contact Kristie Anderson, Code Enforcement Officer, at kanderson@shorelinewa.gov or by calling 206.801.2535.

Sincerely,



Kristie Anderson
Code Enforcement Officer

ORIGINAL

Parcel Identification Number: **1826049454**
Commonly known as: 900 N 155th Street
Shoreline WA 98133

Exhibit A

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at the most Southwesterly corner of that certain parcel of land, as said parcel is shown and so designated as "site area" on that certain record of survey for People's National Bank (Joshua Green Trust) Aurora Triangle survey, recorded under recording number 7607010477, in King County, Washington;
Thence from said point of beginning and along the Southeasterly margin of Westminster Way North (Holman Road No. 2), as said margin is shown and so delineated on said record of survey, North 37°29'30" East 270.59 feet;
Thence leaving said margin South 52°30'30" East 78.00 feet;
Thence North 37°29'30" East 70.00 feet;
Thence North 88°50'30" East 55.22 feet to the northerly extension of the East line of parcel B as described herein;
Thence South 01°09'30" East 80.65 feet to the northeast corner of said parcel b;
Thence along said parcel B a bearing of South 88°50'30" West 123.55 feet;
Thence South 37°29'30" West 52.16 feet;
Thence South 01°09'31" East 137.06 feet to a point on the southerly line of said record of survey;
Thence along said southerly line North 77°45'13" West 177.56 feet to the point of beginning.

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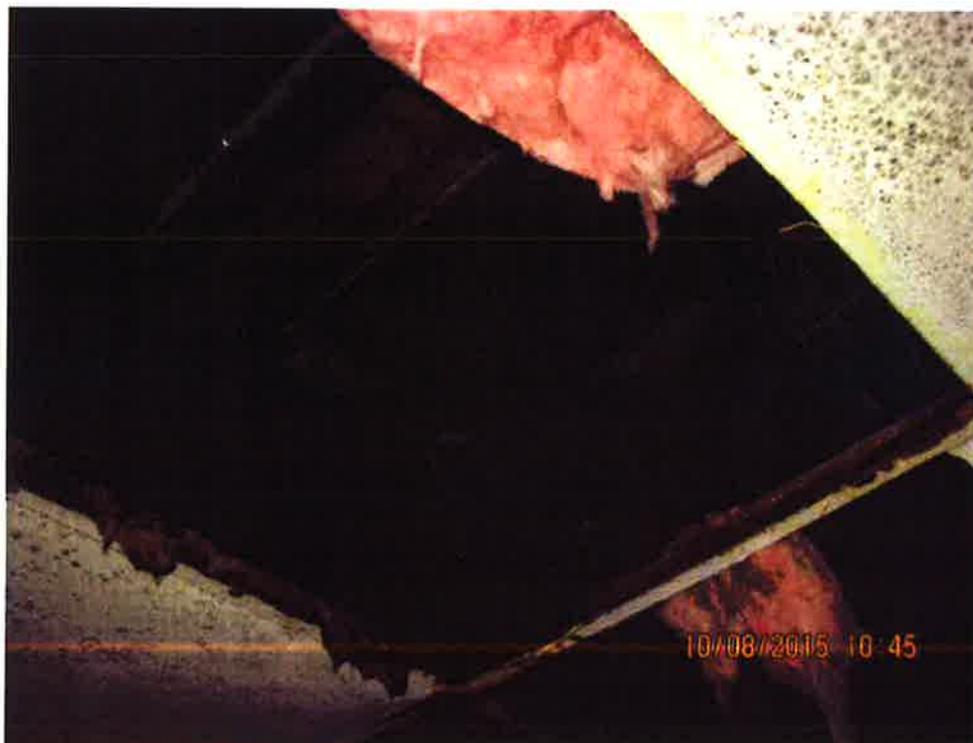
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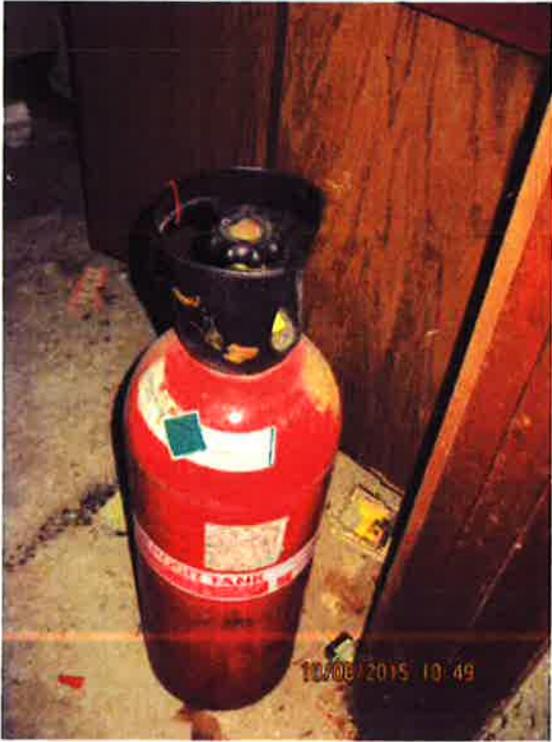
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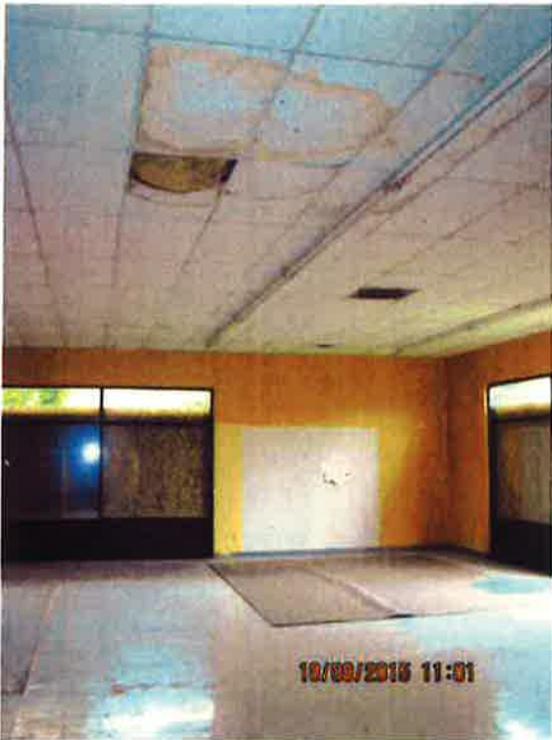
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