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08/01/2023 03:06 PM Pages: 1 of 7 Fees: \$209.50
Skagit County Auditor

Document Title:

AGREEMENT - Voluntary Abatement & Demolition Agreement

Reference Number :

Grantor(s):

☐ additional grantor names on page ____.

1. WALTER SCAMEHORN, SECURED HOLDINGS LLC on behalf of Dianne Dalbey co-owners
2. WALTER SCAMEHORN acting on behalf of SECURED HOLDINGS LLC

Grantee(s):

☐ additional grantee names on page ____.

1. CITY OF BURLINGTON
- 2.

Abbreviated legal description:

☒ full legal on page(s) 2.

DK 12: LOT 10 AND THE WEST 18 FEET OF LOT 9, BLOCK 31, AMENDED PLAT OF BURLINGTON, SKAGIT COUNTY, WASH., ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 17, RECORDS OF SKAGIT COUNTY, WASHINGTON

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____.

P71500



**VOLUNTARY
ABATEMENT &
DEMOLITION
AGREEMENT
(VADA)**

**VOLUNTARY ABATEMENT & DEMOLITION AGREEMENT
BURLINGTON MUNICIPAL CODE VIOLATIONS**

Burlington Municipal Code (BMC) 1.44.110 provides authority for person(s) responsible for violations of the BMC to enter into a voluntary agreement with the City of Burlington (hereafter "City") to address the identified violations. The City has determined that Dianne Dalbey (hereafter "Dalbey") is the owner of a property where multiple violations of the BMC as detailed in this Voluntary Abatement & Demolition Agreement (hereafter "VADA") exist, at 1000 Hazel Avenue, Burlington, Washington (hereafter "property"). The City has further reviewed information stating that Secured Holdings, LLC also has an ownership interest in the property at 1000 Hazel and that Walter Scamehorn, a partner in Secured Holdings, LLC, has authority to act on Diane Dalby's behalf. The City, Secured Holdings, LLC, and Walter Scamehorn acting on behalf of Dalbey pursuant to an Agreement dated October 6, 2022 enter into this VADA to address abatement of the violations within the terms set forth herein. It is the intent of the Parties and the voluntary consent of property owners that the City will take action to demolish and dispose of the structures on the property on or about August 18, 2023, unless the Parties agree otherwise in writing.

By signing below, Secured Holdings, LLC, and Walter Scamehorn, acting on behalf of Dalbey (hereafter "The Owners", and the City hereby acknowledge with respect to this VADA that:

1. It is a written, signed commitment by The Owners as a person(s) who own(s) this property listed above, who is/are responsible for one or more code violation(s), to agree to abate the violation(s), remediate the site, and/or mitigate the impacts of the violation(s) as specified in this VADA.
2. By entering into this VADA, The Owners, as a person(s) who own(s) this property listed above, who is/are responsible for a code violation(s), waives the right to administratively or judicially appeal or otherwise challenge or contest the determination of the Code violation(s). By entering this VADA, The Owners hereby admit(s) that the conditions described in this VADA exist as described and constitute violation(s) of the City of Burlington Municipal Code.
3. This VADA is not a Settlement Agreement.

4. This VADA specifies the shortest reasonable time period for compliance, as determined by the Community Development Director (the "Director").
5. Extensions of the time limit for compliance, or a modification of the required corrective action may be granted by the Director if The Owners, as a person(s) who own(s) this property listed above, who is/are responsible for the code violation(s), have shown due diligence or substantial progress in correcting the violation(s), but circumstances render full and timely compliance under the original conditions unattainable. Any such extension or modification must be in writing and signed by the Director and you and any other person(s) who signed the original VADA.

**To suspend civil monetary fines, please initial/date
and sign the highlighted areas and return all pages
in the enclosed envelope.**

The City and The Owners hereby agree, based upon the consideration set forth herein, to the following terms and conditions of this VADA:

I. FACTUAL INFORMATION AND COMPLIANCE TERMS:

NAME(S):

- (1) *Walter Scamehorn of Secured Holdings, LLC, acting on behalf of DIANNE DALBEY; and*
- (2) *Walter Scamehorn acting on behalf of Secured Holdings, LLC*

SITE ADDRESS:

1000 HAZEL AVENUE, BURLINGTON, WA 98233

PARCEL NO:

P71500

LEGAL DESCRIPTION:

DK 12: LOT 10 AND THE WEST 18 FEET OF LOT 9, BLOCK 31, AMENDED PLAT OF BURLINGTON, SKAGIT COUNTY, WASH., ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 17, RECORDS OF SKAGIT COUNTY, WASHINGTON.

DESCRIPTION OF VIOLATION, INCLUDING REFERENCE TO BMC SECTION VIOLATED:

SEE EXHIBIT A, ATTACHED, FOR A LIST OF KNOWN VIOLATIONS AS OF THE DATE OF EXECUTION OF THIS VADA.

REQUIRED CORRECTIVE ACTION:

COME INTO COMPLIANCE FOR ALL VIOLATIONS IDENTIFIED IN EXHIBIT A, AS CONFIRMED BY THE DIRECTOR.

DATE/TIME FOR COMPLETION OF CORRECTIVE ACTION:

THE PARTIES AGREE THAT IT IS CURRENTLY UNSAFE TO ENTER THE STRUCTURE(S) ON THE PROPERTY.

THE CITY MAY CONDUCT ENVIRONMENTAL TESTING OF THE STRUCTURE(S) TO DETERMINE WHETHER UNSAFE CONTAMINATION EXISTS.

ANY VIOLATIONS IDENTIFIED IN EXHIBIT A, ATTACHED HERETO, MUST BE FULLY CURED, AS DETERMINED BY THE DIRECTOR, BY AUGUST 1, 2023.

BECAUSE OF THE UNSAFE CONDITION OF THE STRUCTURE(S), NO PERSON SHALL BE ALLOWED BY THE OWNER TO OCCUPY THE STRUCTURES OR ANY PORTION OF THE PROPERTY, UNLESS OTHERWISE AGREED BY THE CITY. IF ANY PERSON IS CURRENTLY RESIDING AT THE PROPERTY THE OWNER SHALL TAKE IMMEDIATE ACTION TO TERMINATE THEIR TENANCY, AS MAY BE ALLOWED BY LAW.

BECAUSE OF THE UNSAFE CONDITION OF THE STRUCTURE(S), THE OWNER AGREES THAT THE CITY MAY TAKE ANY REASONABLE STEPS TO SECURE THE ENTIRE PROPERTY TO PREVENT ACCESS BY ANY UNAUTHORIZED PERSON, INCLUDING BY INSTALLING PHYSICAL BARRIERS, FENCING AND ANY OTHER REASONABLE STEPS AS NECESSARY. APPROPRIATE CITY PERSONNEL MAY ENTER THE PROPERTY AS NEEDED.

IF NO SUBSTANTIAL PROGRESS HAS BEEN MADE BY THE OWNERS THE CITY MAY ABATE THE NUISANCE CONDITIONS IN ANY MANNER ALLOWED PURSUANT TO STATE AND CITY STATUTE.

IT IS THE CITY'S INTENT TO TAKE ACTION TO DEMOLISH AND DISPOSE OF THE STRUCTURE(S) ON THE PROPERTY ON OR SHORTLY AFTER AUGUST 18, 2023, UNLESS OTHERWISE AGREED BY THE PARTIES.

AMOUNT OF CIVIL PENALTY IF VCA NOT SATISFIED:

In addition to any other sanction or remedial procedure which may be available, a penalty in the amount of \$75.00, per day, for each violation may be imposed until the order is complied with. See BMC 1.44.150. If the terms of this VADA are not met by the date(s) specified above, the City shall notify you of such failure and assess you the civil penalty, which shall be paid within twenty (20) days from date of such notification.

II. FURTHER AGREEMENT:

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VADA -
DIANNE DALBEY -
1000 HAZEL AVENUE, BURLINGTON -
PARCEL #P71500

Pursuant to BMC 1.44, the City and The Owners hereby further acknowledge and agree:

Initials Date

WAL 7/25/23

A. I, Walter Scamehorn acknowledges that if the Director determines that the terms of this VADA are not met, the City may, without issuing a Notice and Order or Stop Work Order, impose any remedy authorized by BMC 1.44, enter the real property and perform abatement of the violation by the City, assess the costs incurred by the City to pursue code compliance and to abate the violation(s), including reasonable legal fees and costs, and the suspension, revocation, or limitation of a development permit obtained or to be sought by me.

Initials Date

WAL 7/25/23

B. I, Walter Scamehorn understand that the City will take action to demolish and dispose of the structure(s) on the property on or shortly after August 18, 2023. By voluntarily agreeing to demolition, the fees currently owing to the City for code violations will be waived. The cost of demolition and disposal of the structure(s) may be imposed as a lien against the property where the code violation occurred and any unpaid amount will be a joint and several personal obligation of myself and all other persons, if any, responsible for the violation(s).

Initials Date

WAL 7/25/23

C. I, Walter Scamehorn acknowledge that by entering into this VADA, I admit that the conditions described in this VADA exist or existed and constitute or constituted a violation(s) of the BMC.

Initials Date

WAL 7/25/23

D. I, Walter Scamehorn acknowledge that I understand that I have the right to be served with a Notice and Order or Stop Work Order for any violation identified in this VADA, have the right to administratively or judicially appeal any such Notice and Order or Stop Work Order, and that I am knowingly, voluntarily, and intelligently waiving those rights by entering into this VADA.

Initials Date

WAL 7/25/23

E. FAILURE TO COMPLY WITH ALL TERMS OF THIS VADA MAY RESULT IN LEGAL ACTION TO ABATE THE NUISANCE VIOLATIONS

Pursuant to BMC 1.44, if the terms of this VADA are not completely met, and an extension of time has not been granted, the person responsible for the violation(s) may, without being issued a Notice and Order or Stop Work Order, be assessed a civil penalty as set forth in BMC 1.44.150 and in this VADA, plus all costs incurred by the City

to pursue code compliance and to abate the violation(s), and may be subject to other remedies authorized by BMC 1.44. All penalties imposed for violations of this VADA accrue from the date that an appeal of any preceding Notice and Order or Stop Work Order was to have been filed or from the date of this VADA if there was no preceding Notice and Order or Stop Work Order. The City may, but is not required to, issue a Notice and Order or Stop Work Order for failure to meet the terms of this VADA.

SIGNATURES:

COMMUNITY DEVELOPMENT DIRECTOR, CITY OF BURLINGTON:

X

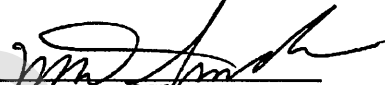
Signature:  **BRAD JOHNSON**Signed this 31st day of JULY 2023.

PROPERTY OWNER AND PERSON RESPONSIBLE FOR THE CODE VIOLATION(S):

X

Signature:  **WALTER SCAMEHORN, SECURED HOLDINGS, LLC on BEHALF OF DIANNE DALBEY CO-OWNER**Signed this 25th day of July 2023.

PROPERTY OWNER AND PERSON RESPONSIBLE FOR THE CODE VIOLATION(S):

X 

Signature: WALTER SCAMEHORN, SECURED HOLDINGS, LLC CO-OWNER

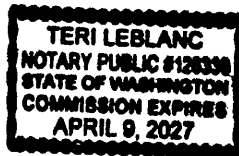
Signed this 25TH day of July 2023.

NOTARY

State of Washington

County of PIERCE

I certify that I know or have satisfactory evidence that WALTER SCAMEHORN (name of person) is the person who appeared before me, and said person acknowledged that (she) signed this instrument and acknowledged it to be (her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: July 25TH 2023
(Seal or stamp)TERI LEBLANC

Printed Name



Signature

NOTARY

Title

My appointment expires: 4-9-2027