

City of Cheney
609 2nd Street
Cheney, WA 99004

CITY OF CHENEY, WASHINGTON

RESOLUTION F-175

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN SETTLEMENT AND RELEASE AGREEMENT WITH ANDY AND CHERYL LOUIE

WHEREAS, on August 23, 2022, the structure located at 1502 1st Street was destroyed by a fire. The Cheney Fire Department attempted to suppress the fire, but ultimately determined that the fire could not be extinguished unless emergency abatement actions were taken. Specifically, the Cheney Fire Marshall determined that the remaining portions of the building need to be demolished with the aid of excavation equipment. The City gave Louie written notice of the Emergency Abatement and, on August 24, 2022, the remaining structure was demolished by a contractor hired by the City.

WHEREAS, a significant amount of debris and partial foundation remained on the property and given the age of the structure, the Spokane Regional Clean Air Agency informed the parties that the debris is assumed to contain asbestos and must be removed in accordance with their requirements and regulations;

WHEREAS, more than 60 days elapsed after the date of the fire, but large piles of debris and the partial foundation of the structure remained on the property, which caused the City to serve Louie with a Notice and Order to Abate in accordance with Cheney Municipal Code 17.18.080; and

WHEREAS, the Notice declared a nuisance violation on the property and ordered Louie to abate the nuisance no later than November 25, 2022; and

WHEREAS, Louie was informed that failure to abate the nuisance could result in civil penalties, infractions, abatement by the City at Louie's expense, and a lien being placed on the property; and

WHEREAS, on March 9, 2023, the City filed a Complaint for Abatement of Nuisance, Warrant of Abatement, and Injunctive Relief against Louie in Spokane County Superior Court; and

WHEREAS, on May 9, 2023, Louie filed a pro se answer to the Complaint, generally denying responsibility for the condition of the Property claiming that the City should not have performed the Emergency Abatement after the fire; and

WHEREAS, on or about July 12, 2023, Louie informed the City that the abatement work on the property had been completed. The City and Spokane Regional Clean Air Agency inspected the property and determined that the abatement work performed by Louie was acceptable; and

WHEREAS, pursuant to Chapter 17.18 of the Cheney Municipal Code, the City alleges that it maintains a claim to recover from Louie the costs incurred by the City to enforce the Code and pursue abatement of the nuisances on Louie's property. Said costs include, but are not limited to, the hiring of an excavation company to perform the Emergency Abatement, attorney's fees, and court costs; and

WHEREAS, in order to avoid additional cost, expense, and uncertainty of litigation and to conclude the matter amicably, the parties desire to resolve any and all disputes between them related to the property, the Emergency Abatement, the Abatement Costs, and the Lawsuit, pursuant to the terms and conditions of a Settlement Agreement;

NOW THEREFORE, BE IT RESOLVED the Cheney City Council by majority vote hereby authorizes the Mayor to sign the Settlement and Release Agreement on behalf of the City of Cheney.

ADOPTED, on this **8th day of August, 2023** by the Cheney City Council at their regularly scheduled council, meeting at Cheney Council Chambers, 609 2nd Street, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk