

ORDINANCE NO. 4726

AN ORDINANCE to declare the property located at 325 Duke Street a blighted property and a nuisance to the community, and authorizing the abatement of such nuisance.

WHEREAS, Code of Virginia §36-49.1:1(G) authorizes localities to declare blighted property as defined in Code of Virginia §36-3 to be a nuisance; and

WHEREAS, the City of Alexandria has codified the provisions of Code of Virginia §36-49.1:1(G) in City of Alexandria Code §8-1-154; and

WHEREAS, the structure located at 325 Duke Street, Alexandria, Virginia, was built in approximately 1800, and is located in the Old and Historic Alexandria District of the City of Alexandria; and

WHEREAS, City of Alexandria Zoning Ordinance § 10-110 of the provides that all structures within the Old and Historic Alexandria District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II -- Building Maintenance Code of the Uniform Statewide Building Code, as adopted by City of Alexandria Code §8-1-2; and

WHEREAS, for at least the last four years, the City of Alexandria has received numerous complaints from the public regarding the lack of maintenance of the property located at 325 Duke Street, including reports of peeling paint and rotting siding, repeated incidents of trash in the backyard (visible to the street), shutters falling off the structure into the right-of-way, and vagrants breaking into the residence; and

WHEREAS, Alexandria Department of Code Administration Staff believe that little to no maintenance has been performed on the structure since it was removed from the Spot Blight Program in 2005; and

WHEREAS, over at least the past four years, the property has become increasingly dilapidated, resulting in the following current conditions:

1. Peeling and fading paint, leaving the bare wood of the siding exposed to the elements, resulting in rotting and weathering of the historic structure;
2. Debris in the rear yard;
3. The historic decorative fence is falling over into the right-of-way, and the paint on such fence has faded and chipped such that it does not protect the wood;
4. The basement entry hatch, located on a City sidewalk, has deteriorated to the extent that if someone fell or tripped over it, it could collapse inward into the basement; and
5. Shutters have detached from the house and become hazardous; and

WHEREAS, such conditions endanger the public's health, safety, or welfare because the structure and improvements upon the property are dilapidated, and deteriorated; and

WHEREAS, over the past several years, Alexandria Department of Code Administration Staff have issued numerous violations of Volume II -- Building Maintenance Code of the Uniform Statewide Building Code, against the property owner for her lack of maintenance of the property; and

WHEREAS Alexandria Department of Code Administration Staff and the City Attorney's Office attempted for a number of years to contact the property owner to discuss the lack of maintenance to the structure, with the last letter being sent both to her last-known address, and to her attorney in New York, on March 10, 2011, demanding that the property be repaired; and

WHEREAS, she has failed or refused to repair said property; and

WHEREAS, a copy of this Ordinance was sent via certified and first-class mail to the property owner to her current address listed in the real estate tax assessment records of the City of Alexandria; and

WHEREAS, the estimated cost of repairs to correct the current conditions of the property, as stated above, such that it is no longer a nuisance, are approximately \$25,000 and Code of Virginia Sec. §36-49.1:1(G) allows for the recovery of such costs from the property owner.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, for the reasons stated above and for any reasons discussed at the City Council meeting held on this Ordinance, the subject property, located at 325 Duke Street, Alexandria, Virginia, is declared to be blighted and thereby constitutes a nuisance, as provided for by Code of Virginia §36-49.1:1(G).

Section 2. That abatement of the nuisance, as stated above, may be carried out pursuant to the Code of Virginia §§15.2-900 and/or 15.2-1115, in addition to all other remedies available to the City. Any costs incurred by the City associated with such abatement shall be recovered from the property owner and, if not immediately recovered, recorded as lien on the property until paid, as allowed by Code of Virginia §36-49.1:1(G) and §15.2-1115.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 25, 2011