



May 28, 2015

James M. Barrett, Individually and on behalf of Gastineau Apartments, LLC.  
c/o Bergman Hotel  
434 3<sup>rd</sup> Street  
Juneau, AK 99801

Kathleen V. Barrett, Individually and on behalf of Gastineau Apartments, LLC.  
16101 60th Ave W.  
Edmonds, WA 98026-4615

Gastineau Apartments, LLC.  
James M. Barrett, Registered Agent  
401 Harris Street  
Juneau, AK 99801

**RE: DEMOLITION ORDER  
Gastineau Apartments  
127 South Franklin Street  
Juneau, AK 99801  
Parcel No: 1C070A13001**

Dear Mrs. and Mr. Barrett:

Consistent with my earlier findings and orders, Gastineau Apartments, located at 127 South Franklin Street, continues to be an unsafe structure and ongoing public nuisance. You are hereby ordered to abate the nuisance by demolition of the structure as outlined in this order.

**1. FINDINGS OF THE BUILDING OFFICIAL:**

- a) The property, currently known as the Gastineau Apartments, parcel number 1C070A130011, is located at 127 South Franklin Street, Juneau, AK 99801, and more specifically described as:

Lots 1A and 2A, Block 13, Resubdivision of Juneau Townsite, according to Plat 85-148; and Lots 3 and 4, Block 13, Juneau Townsite, Records of

the Juneau Recording District, First Judicial District, State of Alaska (the "property").

- b) In 2006, James M. Barrett and Kathleen V. Barrett acquired the property by statutory warranty deed. Juneau Recording District ("JRD") 2006-006190-0 (Rec. 8/24/2006).
- c) In 2006, the Gastineau Apartments LLC was created (AK Entity# 102144). James M. Barrett was the registered agent. James M. Barrett and Kathleen V. Barrett were the sole members.
- d) In 2007, James M. Barrett and Kathleen V. Barrett conveyed the property to Gastineau Apartments LLC and secured a \$1.17M note with a deed of trust. Quit Claim Deed, JRD 2007-007497-0 (Rec. 11/14/2007); Deed of Trust, JRD 2007-007498-0 (Rec. 11/14/07).
- e) On November 5, 2012, a fire burned a significant portion of the property. The buildings and property have been uninhabitable since the fire.
- f) On November 7, 2012, the CBJ sent the Owners a Notice and Order of Dangerous Building Violations. The property was declared a public nuisance. The Owners were ordered to repair or demolish the dangerous buildings.
- g) In 2013, the State issued a Certificate of Involuntarily Dissolution/Revocation to Gastineau Apartments LLC (Rec. 6/11/13).
- h) In 2013, the \$1.17M note was paid in full and discharged. JRD 2013-006582-0 (Rec. 9/26/13).
- i) On October 11, 2013 and again on March 6, 2014, the CBJ sent the Owners a Notice and Order of Dangerous Building Violations. The Owners were required to complete the repairs or demolition by May 1, 2014. The Owners failed to do so.
- j) The CBJ had Charles Horan, MAI, appraise the property. By appraisal dated October 13, 2014, the property had an "as is" value of \$50,000. Mr. Horan updated his appraisal on April 21, 2015, confirming the "as is" value of \$50,000.
- k) On March 21, 2015, a second fire burned a small portion of the property.

l) On March 27, 2015, the CBJ sent the Owners a Notice and Order of dangerous building violations, requiring the Owners to immediately take certain actions to secure the building. The Owners complied.

m) By letter to the City and Borough dated May 4, 2015, Mrs. Barrett explained the Barretts were "involved in a competitive bid activity for the demolition of the subject property," which was to end on May 29, 2015. At that time, the bids were to be "thoroughly reviewed by the GA [Gastineau Apartments] finance and contracting agents." A bidder was to be selected, the demolition scheduled defined, and all permits obtained to allow the work to begin.

n) Given that more than two years have elapsed since the destructive fire and the failure of the Owners to take the corrective action ordered in 2012, I find the property to be in such a dilapidated and deteriorated condition as to be dangerous and unfit for human habitation or occupation. I further find that it is unreasonable to repair the structure, and that due to the condition of the property, demolition is required.

In making these findings, I reviewed the following documents:

- Gastineau Apartments Structural Condition Assessment, R&M Engineering, Inc., December 21, 2012
- Coogan Construction Proposal, February 7, 2013
- Gastineau Apartments – Structural Repair and Rehabilitation Feasibility Review, JPH Services, LLC, April 3, 2013
- Gastineau Apartments Repair and Renovation Review, Jensen Yorba Lott, February 26, 2015
- Letter from James Barrett, April 6, 2015
- Letter from Kathleen Barrett, May 4, 2015

## **2. ORDER OF THE BUILDING OFFICIAL**

In order to ensure the demolition work referenced in your May 4, 2015, letter proceeds in a timely fashion, and given my finding that the property is in an unsafe condition and an ongoing public nuisance requiring demolition and removal, you are hereby notified and ordered to take the following actions:

- a) Apply for demolition and related permits by June 19, 2015.

The Owners shall apply for all legally required permits (CBJ, State, and Federal, as applicable) for the demolition of the structures and disposal of the material by June 19,

2015. Additional time may be granted upon a showing of substantial completion. Substantial completion may be shown by providing signed contracts with licensed professionals to prepare demolition submittals or signed contracts with licensed, insured and bonded demolition contractors, and submittals of at least ten of the documents identified in subsection (b) below.

(b) Submit the following for CBJ review by June 19, 2015:

1. Asbestos abatement plan.
2. Lead paint abatement plan.
3. Engineered demolition plan by a licensed and insured professional. The scope of the demolition proposed must result in all code violations and nuisances being abated in full.
4. Traffic plan.
5. Street closure and use proposal.
6. Gunakadeit Park proposal, if deemed necessary.
7. Identification of disposal site.
8. Slope stabilization plan. (Such plan may include leaving portions of concrete foundation to maintain slope stability, as recommended by the professional preparing the plan.)
9. Project schedule.
10. Dust management plan.
11. Plan for managing public safety and site security during the project.

(c) Provide proof of executed contracts by August 3, 2015.

The Owners shall provide the CBJ Building Official with proof that the Owners have hired a construction contractor, licensed and bonded in the State of Alaska, to demolish all the buildings on the property and proof that a disposal site will accept the building material.

(d) Complete the demolition and clean up by November 30, 2015.

### **3. FAILURE TO COMPLY**

Should you fail to complete the demolition by November 30, 2015, or to meet any of the deadlines identified above, the City and Borough of Juneau shall exercise its authority under CBJ 19.01.115.3 and International Property Management Code Section 110.3 (as adopted by CBJ 19.11.010) to do the work and demolish the property at the Owners' expense as outlined below. Notice of the CBJ's intention to begin the work will be provided to you at the addresses listed above, unless you provide a different address to the City and Borough in writing. The notice

shall specify the date the CBJ intends to begin the work, which shall not be less than seven days from the date of notice.

#### **4. DECLARATION OF ACCEPTANCE OR REJECTION**

Pursuant to CBJ 19.01.115.3, you must declare to the Building Official your acceptance or rejection of the terms of this order within five business days of the date of service of this order. Rejection of the terms of this order, without appeal, shall be deemed your consent to the CBJ proceeding with the demolition of the property as if you had failed to comply.

Should you fail to do the ordered work, or should you reject this order and require the CBJ to proceed with demolition, the CBJ shall do so at your expense. It is the CBJ's intention to file a declaratory judgment action with the Superior Court to secure its right to be reimbursed for all reasonable costs incurred, including costs incurred pursuant to the CBJ's Procurement Code or for the preparation and administration of any Requests for Proposals to secure a contractor to do the work (whether the bid preparation and administration is done by the CBJ or by a contractor secured by the CBJ). Alternatively, you may consent to the recording of a consensual lien against the property for the reasonable costs incurred by the CBJ for doing the ordered work (including any costs necessarily incurred by the CBJ pursuant to its Procurement Code, or in the preparation and administration of any Requests for Proposals to secure a contractor.) Should you wish to consent to the recording of a consensual lien as outlined herein, you should advise the Building Official within five business days of the date of service of this order.

#### **5. APPEAL**

You may appeal this order within 20 days of service of this order, by filing a notice of appeal with the Municipal Clerk, indicating the basis for the appeal. CBJ 19.02.010.3 provides that an appeal shall be based on a claim that:

- a. The true intent of the building codes or rules have been incorrectly interpreted;
- b. The provisions of the Building Regulations Code (CBJ 19) do not fully apply; or
- c. There is an equally good or better form of construction (or repair) proposed by you.

Sincerely,



Charlie Ford, Building Official  
Community Development Department  
City and Borough of Juneau