

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

RE: APPROVING AN AGREEMENT)
BETWEEN LEWIS COUNTY) RESOLUTION NO. 04- 357
AND VICTOR BONAGOFSKI)

WHEREAS, Lewis County has filed an abatement action against Victor Bonagofski for numerous health and safety code violations on his properties; and

WHEREAS, Victor Bonagofski has made incremental progress over the last three months in remedying these violations and has expressed a willingness to continue to clean his property; and

WHEREAS, voluntary abatement of the nuisance is a cost effective means for the properties to come into compliance with county code; and

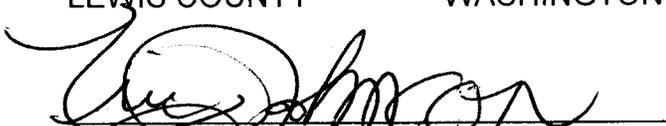
WHEREAS, it appears to be in the best public interest to allow Mr. Bonagofski to continue for six weeks his efforts to eliminate the nuisances on his property in exchange for his admission to the nuisances; NOW, THEREFORE

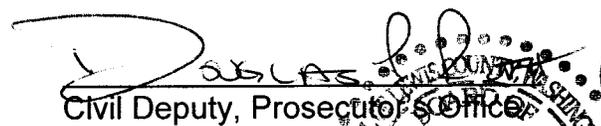
BE IT RESOLVED that the aforesaid agreement is hereby approved and the Director of the Department of Community Development, Robert Johnson, is authorized to sign the Agreement on behalf of Lewis County.

DONE IN OPEN SESSION this 1st day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY WASHINGTON

APPROVED AS TO FORM:
Jeremy Randolph, Prosecuting Attorney

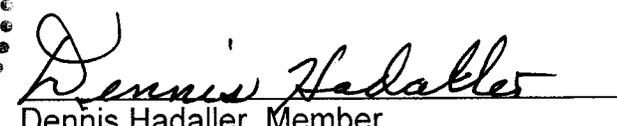

Eric Johnson, Chairman

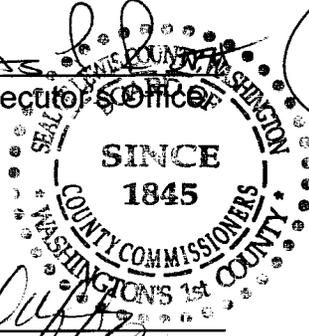

Civil Deputy, Prosecutor's Office


Richard Graham, Member

ATTEST:


Clerk of the Board, Karisa Duffey


Dennis Hadaller, Member



VOLUNTARY CORRECTION AGREEMENT

This Agreement was entered into on ~~October~~ ^{November} 1 2004, by a representative of Lewis County and Victor Bonagofski, who owns real property at 4020 Harrison and 1303 Reynolds Road, Centralia Washington, in Lewis County.

Lewis County has identified the following violations on the above-described properties:

- Depositing solid waste on property, or permitting the accumulation of solid waste to remain on property without a permit in violation of Lewis County Code 8.45.040, 8.45.050 and LCC 8.15.040.
- Operating a solid waste facility in a manner that poses a threat to human health and the environment.
- Placing on property or permitting to remain on property visible hulk vehicles without a wrecking yard, car dealership, or junkyard license in violation of Lewis County Code 8.05.070.
- Storing high-piled combustible material without a permit and in a dangerous manner in violation of the Uniform Fire Code as adopted under RCW 19.27.

Lewis County has filed an abatement action, number 04-2-01027-4, in Superior Court. Lewis County agrees to defer seeking a judgment in that action for forty calendar days from the date of this agreement in exchange for Victor Bonagofski correcting these violations in the following manner and subject to the following conditions:

- Within one week, remove, sell, or place behind fence a white Grand Am car.
- Within one week, either remove all batteries or place the batteries away from vehicle traffic in a storage container that protects them from the weather and prevents leaching of battery contents.
- Within two weeks, remove all bottles from the property.
- Within two weeks, remove all aluminum cans from the property.
- Within two weeks, remove or enclose items surrounding wood house.
- Within five weeks, remove all cardboard, including the cardboard in the barn, from the property.
- Within 6 weeks, strengthen and repair the fence along Harrison Avenue.

- Remove or appropriately store all items in bed of white Toyota pickup.
 - Remove or enclose white Toyota pickup.
 - Remove or appropriately store items in pile outside the barn.
 - Remove or store in receptacles miscellaneous metal, plastic and wood items on ground along driveway.
 - Remove items along Reynolds Avenue shoulder.
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Victor Bonagofski further consents and agrees to the following:

The County may enter my property at 1303 Reynolds and inspect the premises as may be necessary to determine compliance with this Agreement, but with at least one (1) days notice to me.

In the event I fail to complete the above tasks by the forty-first day from the date of this agreement, I hereby stipulate that on the land at 1303 Reynolds Road, I have,

- accumulated and stored combustible materials, primarily cardboard, without a permit to do so and in a manner that is in violation of the standards in Lewis County and Washington code;
- placed, kept, or allowed to remain upon the land several vehicle hulks that are neither enclosed in a building nor hidden by a fence, in violation of County code;
- accumulated solid waste, including glass bottles, aluminum cans, batteries, and scrap metal, without a permit and in a manner that is in violation of Washington State and Lewis County code;
- and that these actions are sufficient for the Court to find that my property contains nuisances and code violations that may be enjoined and abated by the County under a warrant of abatement.

I further agree to maintain a log of where I dispose (i.e. the city) and how I dispose of (e.g. removed to transfer station or recycle center) the items on my property.

This agreement does not waive my right to assert defenses to the County's nuisance action that are not inconsistent with the above stipulations, such as lack of jurisdiction, mistake, or improper service.

This is a fully integrated Agreement and contains the entire terms of the Agreement between the County and the property owner. Any prior agreements or statements, oral or