BEFORE THE ADMINISTRATIVE HEARING OFFICER FOR THE MUNICIPALITY OF ANCHORAGE

MUNICIPALITY OF ANCHORAGE,)	
Plaintiff,)	
vs.)	
GREGORY B. WIKA & CHERYL ANN WIKA,)	
Defendant.		
Administrative Hearing No. 20-0163	.)	
Code Enforcement Case No : LUE 119090		

STIPULATED ORDER RESOLVING COMPLAINT OF MUNICIPAL CODE VIOLATION

COME NOW the parties, the Municipality of Anchorage, Plaintiff, (hereinafter "plaintiff") through its designated Code Enforcement Officer, and Gregory B. Wika & Cheryl Ann Wika, defendant, (hereinafter "defendant") stipulate and agree that the Complaint of Municipal Code Violation filed in the above-referenced matter on November 10, 2020, regarding Villages View Estates Tracts, Tract B, a lot zoned R-10, Low Density Residential, Alpine/Slope District (hereinafter "subject property") shall be and is hereby resolved upon the terms set forth below:

Background and Introduction

- 1) Defendant admits to: Exceeding the terms and conditions of an Entitlement by exceeding the 40,000 yards of fill and grade as permitted in Land Use Permit C13-1631 and change order X16-1768, a violation of Anchorage Municipal Code (AMC) 21.03.100.C.3.a.
- 2) Defendant understands that in executing this Stipulated Order they have given up their right to an administrative hearing on the merits of the above described complaint, and in so doing has waived their right to having the complaint proven by a preponderance of the evidence. The defendant acknowledges they have read and fully understands the provisions of this Stipulated Order.

Municipality of Anchorage

Land Use Enforcement PO Box 196650 inchorage, Alaska 99519-6650 (907) 343-4141

STIPULATED ORDER

- 1) Defendant will provide the Development Services Department a complete application and required engineered plans to obtain a Change Order that accurately depicts the condition of the property, and any further fill and grading to take place on the property, no later than 30 days of the effective date of this order. In addition, Defendant agrees to satisfy any comments that are generated by the plan review of the application within 30 days of receiving those comments.
- 2) Defendant will continue to comply with the Stop Work Order that was posted on 9/9/2020 until the requirements of paragraph one have been met.
- 3) Defendant will provide Steep Slope Stabilization of any disturbed areas by November 1st, 2021.
- 4) The parties further stipulate that the defendant not violate, or allow others to violate, AMC 21.03.100.C.3.a. on the subject property while they remain listed as its owners.
- 5) Defendant shall pay to the Municipality of Anchorage (Account 101-9218-7520-0000-000-2011-752000), a civil penalty in the sum of \$18,600.00 by submitting a check or money order to the Municipality of Anchorage for the fine indicated and mailed to: Administrative Hearing Office, PO Box 196650, Anchorage, AK 99519-6650 or delivered in person to: City Hall, 632 W. 6th Avenue, Suite 740 with a copy of this Order. Defendant shall be personally liable for this penalty and if not paid, the penalty may be enforced pursuant to Anchorage Municipal Code 14.20.030. PROVIDED, HOWEVER, that \$13,600.00 shall be suspended on the condition that the defendant complies with the provisions of paragraphs 1, 2, 3, and 4 of this Stipulated Order. If not paid in full within thirty (30) days from the date of this final order, a one-time late payment fee of \$25.00 will be assessed pursuant to AMC 14.50.040.E. Interest on fines and assessments not paid within thirty (30) days of the decision shall accrue at the rate of eight percent (8%) per year pursuant to AMC 14.50.040.D.
- 6) Upon request filed with the Administrative Hearing Officer by plaintiff pursuant to AMC 14.50.010.C, the Administrative Hearing Officer may impose a fine payable to the Municipality of Anchorage (Account 101-9218-7520-0000-000-2011-752000) in the amount of \$250.00 for each day violation adjudicated herein exist after the date and time frames indicated in this order.
- 7) The Administrative Hearing Officer retains jurisdiction in this matter for the purpose of monitoring compliance and ordering additional relief and/or assessing additional penalties, if appropriate. This matter may be reset for further hearing and/or imposition of penalties referred to in this Order upon the motion of either party or of the Hearing Officer's own motion.

Municipality of Anchorage

Land Use Enforcement PO Box 196650 Anchorage, Alaska 99519-6650 (907) 343-4141 Plaintiff and defendant having resolved the claims asserted in the Complaint of Municipal Code Violation filed in the above-captioned case (Code Enforcement Case No.: LUE119090), under the terms stated, and the undersigned finding said terms to be fair and reasonable;

The foregoing Stipulated Order Resolving Complaint of Municipal Code Violation is HEREBY APPROVED,

	MUNICIPALITY OF ANCHORAGE
DATED: 1/8/2021	BY: LARGON
	Code Enforcement Officer
DATED: 2/18/2021	BY: 22.
	Code Enforcement Officer
DATED: 2(18/202)	Cheryl Wika
	Gregory B. Wka & Cheryl Ann Wika
	4742 Poter Cest A (address)
	(907) (phone no.)

IT IS, THEREFORE, SO ORDERED

DATED: 2.22-2021

Lisa Toussaint

Administrative Hearing Officer

I hereby certify that I caused to be hand delivered / mailed a true and correct copy of the foregoing to: Gregory B. Wika & Cheryl Ann Wika 4742 Potter Crest Circle Anchorage, Alaska 99516

on the 22nd day of February, 2021.

Def/Atty Treasury Agency

Hearing Office Clerk:

Municipality of Anchorage

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