



## **RESOLUTION**

### **ORDER TO FILL TO GRADE THE UNPROTECTED BASEMENT LOCATED AT 1 FERRY ROAD, NASHUA, NEW HAMPSHIRE**

### ***CITY OF NASHUA***

*In the Year Two Thousand and Twelve*

**RESOLVED** by the Board of Aldermen of the City of Nashua and pursuant to the authority vested by RSA 155-B:13, that it is hereby ordered that Navin Patel of 44 Eddy Street, Waltham, Massachusetts, the owner of record of 1 Ferry Road, Nashua, New Hampshire which property is identified as City of Nashua Tax Map 58A, Lot 19, correct the hazardous condition on that property to wit: the open and unprotected basement, by filling said basement to grade.

In support of this order, the Board of Aldermen find as follows:

That the building located on this property was damaged by fire on November 13, 2007 and the remains demolished on or about August 1, 2008.

That the owner of the property has failed or refused to rebuild on the basement, fill the basement to grade or enclose the foundation with an adequate barrier to prevent access to the basement.

That the fence previously installed around the basement has partially collapsed allowing access to the uncovered basement and, despite requests by the code enforcement department for the city, the owner has failed or refused to reinstall or repair the fence or fill the basement to grade.

That the unprotected and exposed basement poses a threat to the health and safety of the general public.

The Board of Aldermen finds that in order to protect the health and safety of the general public, the uncovered and unprotected basement must be filled to grade.

The City of Nashua Board of Aldermen hereby orders Navin Patel, owner of record of 1 Ferry Road, Nashua, New Hampshire to fill to grade the unprotected basement within fifteen (15) days of service of this order. Failure to abide by this order will result in the City of Nashua performing the necessary work and charging the cost of that work against the property.

**LEGISLATIVE YEAR 2012**

**RESOLUTION:** R-13-090

**PURPOSE:** Order to fill to grade the unprotected basement located at 1 Ferry Road, Nashua, New Hampshire

**ENDORSERS:** Alderman Richard A. Dowd

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:** The value of any work performed by the city will be charged against the property as permitted by statute.

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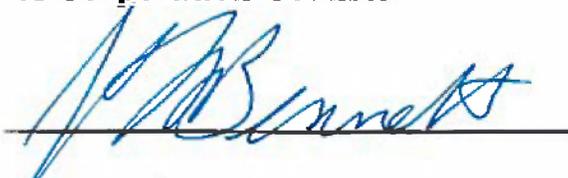
**ANALYSIS**

RSA 155-B:13 authorizes the board of aldermen to order the owner of property to fill to grade or otherwise protect any open and exposed excavation, including basements, that pose a hazard to the public. The structure located at 1 Ferry Road was damaged by fire on November 13, 2007. The building was demolished on or about August 1, 2008. The fence which the owner erected to enclose and protect the exposed foundation partially collapsed and has remained in disrepair since September, 2012. The code enforcement department and legal department have repeatedly attempted to contact the owner to have him correct the hazardous condition on his property, but to date he has failed to contact the City or repair the fence. The foundation is accessible to the general public and presents an immediate danger to the general public's health and safety. See Communication dated January 4, 2013 Re: R-13-090.

This order will require the owner to fill the exposed basement to grade within fifteen (15) days of service of the order on him. Should he fail to abide by the order, the City will perform the necessary work to remove the hazardous condition and the cost of such work will be charged against the property as permitted by the statute.

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**Approved as to form:** Office of Corporation Counsel

**By:** 

**Date:** January 4, 2013