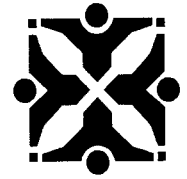


# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** R 202-14

**Department Source:** Community Development - NS

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** October 20, 2014

**Re:** Resolution authorizing the demolition of a dilapidated structure located at 300 N. Garth ; and authorizing a special tax bill against the properties.

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** Director of Community Development's Findings of Fact and Conclusions of Law and Order

## Executive Summary

Staff in the Office of Neighborhood Services are working to address vacant and dilapidated houses in Columbia through voluntary compliance and the administrative procedure outlined in Chapter 6 of City of Columbia Ordinances. The structure located at 300 N. Garth is vacant and uninhabitable. City staff are requesting this property be demolished and tax billed as the owners have taken no action to correct the violations.

## Discussion

City staff have followed administrative procedures to take action on the structure located at 300 N. Garth. Notice was sent to the owners and other interested parties regarding the violations and a deadline to come in compliance. With no action taken, an administrative hearing was held on April 4, 2014 with the Director of Community Development ordering the nuisance be abated by obtaining a permit for demolition of the structure on or before August 21, 2014. A complete copy of the Director's Findings of Fact and Conclusions of Law and Order is attached. No action was taken by that date. Staff are requesting that the City demolish this structure and place a tax bill against the property as needed. Community Development Block Grant (CDBG) funds will be used to pay for the demolition. Demolition costs paid by either the owner or upon sale will be receipted as program income for the City's CDBG program.

As Director of Community Development, I certify that, under Section 6-72, subsection 107.9 of the City Code, that the work ordered under Section 6-72, subsection 107.7 was not done within the time limit as stated in the attached order and no appeals to the order are pending.

## Fiscal Impact

Short-Term Impact: SPE, Inc. provided the lowest estimate to demolish the structure at a cost of \$4810. There will be a separate cost to cap off the sewer.

Long-Term Impact: None

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Health, Safety and Wellbeing

Comprehensive Plan Impact: Not Applicable

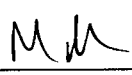
## Suggested Council Action

Approval of the resolution.

## Legislative History

None

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
City Manager Approved

Introduced by \_\_\_\_\_ Council Bill No. R 202-14

### **A RESOLUTION**

authorizing demolition of a dilapidated structure located at 300 N. Garth Avenue; and authorizing a special taxbill against the property.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Having considered the facts certified by the Director of Community Development concerning a dilapidated structure at 300 N. Garth Avenue, the City Manager is hereby authorized to have the structure demolished either by city employees or by bidding the demolition through the purchasing division. Any person performing demolition work on the property shall obtain consent of the property owner or obtain a warrant for entry onto the property from the municipal judge for the purpose of such demolition work.

SECTION 2. The actual cost of demolition of the dilapidated structure located at 300 N. Garth Avenue, including all administrative costs, shall be submitted to the owner of the property. If the charge is not paid within thirty (30) days of receipt, the City Manager shall certify the actual cost of performance to the Director of Finance, who is authorized to cause a special taxbill against the property to be prepared and collected in accordance with the provisions of Section 6-72 of the City Code.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

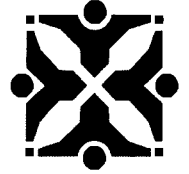
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

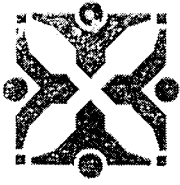
APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Director of Community Development's Findings of Fact and Conclusions of Law and Order



**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**

On April 4, 2013, I, Tim Teddy, Director of Community Development for the City of Columbia, Missouri, conducted an administrative hearing to determine if a nuisance structure, as defined in the International Property Maintenance Code as adopted by the City of Columbia existed on the property located at 300 North Garth Avenue, Columbia, Missouri. The hearing was held in the fifth floor conference room in the Community Development Department in City Hall, 701 East Broadway, Columbia, Missouri 65201.

Assistant City Counselor Steve Richey appeared on behalf of the City of Columbia.

No one that represented the owner of the property appeared.

Senior Building Inspector Bruce Martin and Building Regulations Supervisor Phil Teeple testified for the City of Columbia. The City of Columbia offered into evidence the Exhibits noted in the transcript, including certified copies of the relevant ordinances, certified deed for 300 North Garth Avenue, copies of notices provided to the Gussie Carter et al Life Estate, inspection reports, and several photographs of the property.

All testimony was taken under oath.

Court reporter Pam Gentry was also in attendance.

**Findings of Fact**

After hearing all of the testimony and reviewing the evidence, I hereby find the following facts to be true.

1. The Gussie Carter Life Estate, Bonnie Simmons and Kay Smith, as children of Laura Davis, a daughter of Winnie May Coates; and Winnie Frelon (c/o her daughter, Shirley Heerance), a daughter of Winnie May Coates, are the property owners of 300 North Garth Avenue, Columbia, Missouri.
2. The Senior Building Inspector performed an inspection of the property on December 26, 2013.
3. The inspection revealed the following violations of the International Property Maintenance Code:
  - a. The property is vacant and without utility systems.
  - b. The exterior of the home is not structurally sound, and exhibits deteriorated, damaged or loose elements, including loose siding and fascia; the exterior is not in a sanitary condition; and the exterior is not capable of preventing rain, snow and wind from entering the house.
  - c. Some of the rear steps are missing.

- d. Several windows and doors are broken
- e. In the interest of safety, an electric service line had been removed and is no longer present.
- f. The floor in the middle north bedroom is unstable with insufficient structural support below it.
- g. Walls, ceilings and floors are deteriorated, damaged or missing.
- h. The bathroom is deteriorated without fixtures in an operable condition.
- i. The furnace is inoperable with deteriorating duct work.
- j. Electrical covers are missing from some outlets.
- k. An addition to the structure is structurally unsound
- 4. A Notice of Violations dated December 31, 2013 was sent certified mail to the property owners. The notice complied with the requirements of the City Code of Ordinances.
- 5. No action was taken by the property owner in response to the notice of violations and this hearing was subsequently scheduled.
- 6. No repairs have been made to the property nor has staff received any representations or assurances that repairs will be made to the property.
- 7. The building has not been demolished.
- 8. No building permits have been requested since the Notice of Violations was issued and none are pending on the property.
- 9. On March 13, 2014 the City served the Gussie Carter Life Estate, Shirley Heerance and all others with an interest in the structure at 300 North Garth Avenue with a notice of hearing for November 15, 2013 by Certified Mail, Return Receipt Requested.
- 10. The structure exists in violation of numerous provisions of the Building Code of Columbia, Missouri or other ordinances of this city and which are a danger to the life, safety, health or welfare of the occupants or residents of the city.
- 11. The structure, if occupied, constitutes a hazard to the safety, health, or welfare of the occupants because it lacks maintenance, is in disrepair, and lacks sanitary facilities or equipment.

### Conclusions of Law

Based upon all of the evidence and testimony presented, I hereby find competent, substantial and sufficient evidence that the property located at 300 North Garth, Columbia, Missouri is a public nuisance in that:

Property at 300 North Garth Avenue, Columbia, Missouri is a nuisance in violation of Section 107.1 of the International Property Maintenance Code as adopted and amended by sections 6-71 and 6-72 of the Code of Ordinances of the City of Columbia

- a. Testimony and other evidence identified a number of dangerous conditions, including structural instability, exposure of the interior to

rain, snow and wind, a lack of working plumbing, absence of electricity, deteriorated and inoperable mechanical systems, broken doors and windows, and deteriorated and damaged exterior materials.

### **ORDER**

I hereby order the nuisances to be abated. The owners, the Gussie Carter Life Estate (Bonnie Simmins, Kay Smith, and Winnie Frelon c/o Shirley Heerance) are ordered:

**To obtain a demolition permit from the City of Columbia and complete demolition of the nuisance structure at 300 North Garth Avenue and the materials, rubble and debris therefrom removed and the lot cleared, filled and graded in conformance with applicable City Ordinance on or before August 21, 2014.**

Should the owner not abate the nuisance and demolish the property as ordered, the City may have the nuisance abated by city employees or by persons under contract with the city. Section 6-72, subsection 107.9 of the Code of Ordinances provides the process and sets forth the procedure to be followed upon noncompliance:

*107.9 Special Tax Bills: If the work or act ordered by the director under 107.7 is not done within the time as stated in the order, and if no appeals of the order are pending, the director may certify such fact to the city council. The city council shall consider such certified facts and may order the city manager to have the work done either by city employees or bidding the work through the purchasing division. No person shall enter private property to perform such work unless the property owner or occupant has consented to the entry or unless the municipal judge has issued a warrant for the entry. The actual cost of the performance including administrative costs, shall be submitted to the owner of the property. If the charge is not paid within thirty (30) days of receipt, the city manager shall certify the actual cost of performance, including administrative costs to the director of finance, who shall cause a special tax bill against the property to be prepared and collected. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. If any installment is not paid when due, the balance of the tax bill shall be then due and payable in full, together with all accrued interest. The tax bill from date of issuance shall be a personal debt against the property owner and shall also be a lien on the property until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of ten (10) percent per annum for the first two (2) years and twelve (12) percent per annum thereafter.*

A copy of this order shall be mailed, via certified mail, return receipt requested, and by regular U.S. Mail, to Winnie Frelon c/o Shirley Heerance,

Shirley Heerance  
Attn: Winnie Frelon  
6114 E. 107 Terrace  
Kansas City, MO 64134

SO ORDERED on this the 22<sup>nd</sup> day of July, 2014.

  
\_\_\_\_\_  
Timothy Teddy, Community Development Director  
Administrative Hearing Officer