City of Columbia

701 East Broadway, Columbia, Missouri 65201

Agenda Item Number: R87-14
Department Source: Community Development - NS
To: City Council
From: City Manager & Staff
Council Meeting Date: May 5, 2014
Re: Resolutions authorizing the demolition of dilapidated structures located at 2411 Carter Lane and 212 Third Avenue ; 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 structures located at 2411 Carter Lane and 212 Third Avenue are vacant and uninhabitable. City staff are requesting these properties 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 structures located at 2411 Carter Lane and 212 Third Avenue. Notice was sent to the owners and other interested parties regarding the violations and a deadline to come in compliance. With no action taken, administrative hearing was held on November 15, 2013 for both properties with the Director of Community Development, ordering the nuisances be abated by obtaining a permit for demolition of the structures on or before April 21, 2014. A complete copy of the Director's Findings of Fact and Conclusions of Law and Order are attached for both properties. No action was taken at either address by that date. Staff are requesting that the City demolish these structures and place a tax bill against the property as needed.

Fiscal Impact

Short-Term Impact: Loftis Company provided the lowest estimate to demolish both structures: $9,987 for 2411 Carter Lane and $12,750 for 212 Third Avenue for a total cost of $22,737. These funds are included in the Community Development FY14 budget.
Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development
Strategic Plan Impact: Health, Safety and Wellbeing
Comprehensive Plan Impact: Not Applicable

City of Columbia
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Suggested Council Action

Approval of the resolutions.

Legislative History

None

Department Approved

City Manager Approved

Introduced by _____ Council Bill No. _____R 87-14_____

A RESOLUTION

authorizing demolition of a dilapidated structure located at 2411 Carter Lane; 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 2411 Carter Lane, 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 2411 Carter Lane, 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

City of Columbia
701 East Broadway, Columbia, Missouri 65201

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 November 15, 2013, I, Timothy 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 exists on the property located at 2411 Carter Lane, 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.

The property owners did not appear.

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 2411 Carter Lane, copies of notices provided to the property owners, inspection reports, and numerous photographs of the property.

All testimony was taken under oath.

City of Columbia Neighborhood Services manager Leigh Britt and the court reporter were 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. Ms. Marjorie Beverly is the property owner of 2411 Carter Lane, Columbia, Missouri.
2. A curbside inspection, based on a citizen complaint, revealed violations for exterior surface problems.
3. The curbside inspection led the inspector to seek a search warrant for the property.
4. A search warrant for 2411 Carter Lane was obtained and executed on August 20, 2013. Bruce Martin, Phil Teeple, and a Police Officer conducted the search of the property.
5. A return on the search warrant was made by Mr. Martin. The return revealed the following violations of the International Property Maintenance Code:

    a. Exterior surface of the home requires repainting and repair.
    b. There is a hole in the roof, exposing the interior to the elements.
    c. There are no plumbing fixtures in the home.
    d. There are no kitchen sink or other plumbing in the kitchen.
    e. Floors throughout the house are in such condition as to be unsafe for occupants.

f. The roof structure is deteriorated to the point it is in danger of collapse.

6. A Notice of Violations dated August 21, 2013 was sent certified mail to the property owners.
7. The property owners were properly served with the notice of violation and that notice complied with the requirements of the City Code of Ordinances.
8. No action was taken by the property owners in response to the notice of violations and this hearing was subsequently scheduled.
9. No repairs have been made to the property nor has city staff received any representations or assurances that repairs will be made to the property.
10. The building has not been demolished.
11. No building permits have been requested since the Notice of Violations was issued and none are pending on the property.
12. On October 22, 2013, the City served the property owners with a notice of hearing for November 15, 2013 by Certified Mail, Return Receipt Requested.
13. The structure is so dilapidated or decayed as to be a danger to the life, safety, health or welfare of the occupants or the residents of the city.
14. 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 of Columbia.
15. The Building Regulations Supervisor testified that, in his professional opinion, the building upon the subject property could not be repaired and made habitable at reasonable cost.
16. 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.
17. The cost to repair the structure exceeds its value and demolition is more economical. That it is necessary to protect the health, safety and welfare of the citizens of Columbia that said structure be demolished.

Conclusions of Law

Based upon all of the evidence and testimony presented, I hereby find competent, substantial and sufficient evidence that the structure located at 2411 Carter Lane, Columbia, Missouri is a public nuisance in that:

The property at 2411 Carter Lane, 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. The Inspector and the Building Regulations Supervisor testified and provided evidence that the house had structural defects to the roof making it susceptible to collapse and that the house exhibited missing and deteriorated floor coverings combined with missing floor joists making the house uninhabitable.

b.Testimony and other evidence identified a number of dangerous conditions, including a lack of working plumbing, mechanical systems, and sanitary drain-waste systems throughout the property, no working means of energy supply and distribution, exposed floor joists, exposed ceiling beams, a lack of insulation within walls, and unsecured openings in the walls and roof, among other conditions.

c.Testimony and other evidence indicated insufficient structural support systems created a risk of roof collapse and potential injury.

d. The building upon the subject property cannot be repaired and made habitable at reasonable cost.

ORDER

I hereby order the nuisances to be abated. is the property owners are ordered:

1. **To obtain a demolition permit from the City of Columbia and complete demolition of the nuisance structure at 2411 Carter Lane and remove the materials, rubble and debris therefrom clear, fill, and grad the lot in conformance with applicable City Ordinance on or before April 21, 2014.**

Should the property owners 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

SO ORDERED on this the 26TH day of. February

Timothy Teddy, Community Development Director
Administrative Hearing Officer

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

On November 15, 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 exists on the property located at 212 Third 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.

Ms.KayLyn Rappleano, the property owner, did not appear.

Inspector Bruce Martin 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 212 Third Avenue, copies of notices provided to Ms. Rappleano, inspection reports, and numerous photographs of the property.

All testimony was taken under oath.

City of Columbia Neighborhood Services manager Leigh Britt and court reporter Christie Bradshaw were 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. Ms. KayLyn Rappleano is the property owner of 212 Third Avenue, Columbia, Missouri.
2. A curbside inspection, performed as part of the Inspector's "Neighborhood Response Team (NRT)" program duties, revealed violations for exterior surface problems.
3. The curbside inspection on June 14, 2012 led the inspector to seek a search warrant for the property.
4. A search warrant for 212 Third Avenue was obtained and executed on August 13, 2013. Bruce Martin, Officer conducted the search of the property.
5. A return on the search warrant was made by Mr. Martin. The return revealed the following violations of the International Property Maintenance Code:
   a.Exterior surface of the home requires repainting and repair.
   b.Ceiling light fixtures are missing, leaving exposed wiring.
   c.There are no plumbing fixtures in the home.
   d.There is no kitchen sink or other plumbing in the kitchen.
   e.Interior walls are in need of patching and repainting.
   f. Guttering is detached from the home.
   g.Gutters are full of debris and growing vegetation.

h. There is no electrical service to the house.
i. There are no heating or cooling systems in the house.

6. A Notice of Violations dated August 29, 2013 was sent certified mail to the property owner.
7. Ms. Rappleano was properly served with the notice of violation and that notice complied with the requirements of the City Code of Ordinances.
8. No action was taken by the property owner in response to the notice of violations and this hearing was subsequently scheduled.
9. No repairs have been made to the property nor has staff received any representations or assurances that repairs will be made to the property.
10. The building has not been demolished.
11. No building permits have been requested since the Notice of Violations was issued and none are pending on the property.
12. On November 15, 2013, the City served Ms. Rappleano with a notice of hearing for November 15, 2013by Certified Mail, Return Receipt Requested.
13. 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.
14. 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 Ms. Rappleano's' property located at 212 Third Avenue, Columbia, Missouri is a public nuisance in that:

Ms. Rappleano's property at 212 Third 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 a lack of working plumbing, mechanical systems, and sanitary drain-waste systems throughout the property, no working means of energy supply and distribution, broken windows, unsecured exterior doors and windows, guttering which has detached from the building, and graffiti on several exterior walls of the building.

ORDER

I hereby order the nuisances to be abated. Ms. Rappleano is ordered:

1. **To obtain a demolition permit from the City of Columbia and complete demolition of the nuisance structure at 212 Third 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 April 21, 2014.**

Should Ms. Rappleano 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 _____.

SO ORDERED on this the 26TH day of February, 2014.

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Timothy Teddy, Community Development Director
Administrative Hearing Officer