

AN ORDINANCE TO ORDER THE DEMOLITION OF DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 1710 WILMINGTON STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Anthony Medler and spouse, if any ("Owners") on April 15, 2013, pursuant to Section 38-30 of the Code of Ordinances for the City of New Bern, complaining and alleging that the dwelling owned by Owners located at 1710 Wilmington Street in the City of New Bern, North Carolina is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 1710 Wilmington Street in the City of New Bern, North Carolina ("Subject Property"), were ordered to remove or demolish the dwelling located on the Subject Property and clear the debris therefrom, or to repair, alter, or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern by June 14, 2013; and

WHEREAS, the Owners have been given a reasonable opportunity to comply with the aforementioned Order of the Building Inspector; and

WHEREAS, the Owners have failed to remove or demolish the dwelling and clear the debris therefrom as directed in said Order.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That the Building Inspector of the City of New Bern is ordered to remove or demolish the dwelling located on the Subject Property at 1710 Wilmington Street in the City of New Bern, North Carolina, more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO.

Section 2. That the Building Inspector of the City of New Bern is ordered to sell the materials of the accessory structure that are salvageable and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited with the Clerk of Superior Court of Craven County.

Section 3. That this ordinance shall be in full force and effect from and after its adoption.

ADOPTED THIS 9th DAY OF JULY, 2013.



MAYOR

CITY CLERK

EXHIBIT A

All that certain lot or parcel of land lying and being in Number Eight Township, Craven County, North Carolina, and being more particularly described as follows:

In the Townsite known as Sunnyside, a plot of which is recorded in Map Book 1, Page 13 and described as follows:

Beginning in the northern or eastern line of Wilmington Street at a point 100 feet southeastwardly from the southeastern intersection of Wilmington Street and Trent Avenue and running thence southeastwardly with Wilmington Street 52 feet, thence northeastwardly and parallel with Trent Avenue 100 feet, thence northwestwardly and parallel with Wilmington Street 52 feet, thence southwestwardly and parallel with Trent Avenue 100 feet to Wilmington Street, the point of beginning. Being Lot No. 66 and 2 feet of Lot No. 65 adjoining.

It being the same tract or parcel of land described in a deed recorded in Book 1112, Page 897, Craven County Registry, to which reference is hereby made.

City of New Bern



Development Services Department

248 Craven Street, P.O. Box 1129

New Bern, NC 28563

Ph: 252.639.7281 / Fax: 252.636.2146

MEMORANDUM

TO: Mayor Lee Bettis, City of New Bern Board of Aldermen

FROM: Jeff Ruggieri – Director of Development Services

DATE: 6/28/2013

SUBJECT: Demolition of the Dwelling Located at 1710 Wilmington Street

Staff is seeking approval of an ordinance to demolish the structure located at 1710 Wilmington Street. The property owner was first notified of the minimum housing violations in November of 1997. Hearings were held in July of 2007 and April of 2013 between City staff and the property owner. No progress towards bringing the property into compliance has been made and the structure was affected by a fire in December of 2011 making rehabilitation unlikely.

A complete list of chronological events related to the property is attached.

City of New Bern



Development Services Department

248 Craven Street, P.O. Box 1129

New Bern, NC 28563

Ph: 252.639.2942 / Fax: 252.636.4973

MEMORANDUM

TO: Michael Scott Davis, City Attorney
FROM: Nancy Riegelsperger, Building Inspector
DATE: 6/19/2013

RE: 1710 WILMINGTON STREET

I am requesting an **ordinance** on the above referenced property.
Here is the owner's information and enclosed are the service verifications, chronological order, Complaint, and the Order.

Owner: Anthony Medler and Spouse, if any
Address: 89 Morris Ave
Neptune NJ 07753

This property has been thru the minimum housing process, and the Order of the Building Inspector expired on 6-11-13. The Complaint / Notice of Hearing and the Order of the Building Inspector were served via regular and certified mail on

Owner: Anthony Medler and Spouse, if any
Address: 89 Morris Ave
Neptune NJ 07753

All regular mail was served for the Complaint / Notice of Hearing. The certified mailings were returned unclaimed. Service was good.

The hearing was held in the office of the Building Inspector with Nancy Riegelsperger and Chip Dickinson representing the City. **Properly notified**, but, not present were Anthony Medler and Spouse, if any

The Order was issued on the above party defendants. **The regular mail was served** for the Order and certified mailing was unclaimed. Service was good.

If you have any questions, feel free to call me at 252-639-2947. Thanks Nancy

Cc: Jeff Ruggieri

CHRONOLOGICAL ORDER OF EVENTS

1710 Wilmington Street

Date complied 6-19-13

DATE	EVENTS
10-28-97	Community Watch Complaint received.
10-29-97	Tax information showing property ownership: Ivie & Mary Medlar
11-4-97	10 day MH letter sent to owners, cert & reg Mail. Green card served on 11-7-97
11-14-97	On site inspection with Mary Medlar explained concerns, gave her 1 month to see progress. (she's on a fixed income)
7-6-2004	GIS Information showing the owner as: Mary Medlar
7-7-04	Bill generated for trash/debris pick up.
4-20-07	MHCR created and an inspection was made. Case referred to MH for follow up
4-25-07	GIS Information showing the owner as: Same Owner
5-01-07	10 day MH letter sent to owners, cert & reg Mail. Cert. -returned- unclaimed. Regular mail not returned – GOOD SERVICE.
6-12-07	Email to JA from NJR request to set a hearing date.
6-19-07	Notice of hearing/Complaint /Lis Pending file at the courthouse case # 07-M-421. Posted & Mailed to owner cert & reg. Mail. Grn card returned signed 6-20-07 GOOD SERVICE
7-10-07	Hearing held with Nancy Riegelsperger & Johnny Clark representing the City. Properly notified but not present were Mary Medlar and Spouse of Mary Medlar if any. Findings were: the structure was Deteriorated, Vacant, and allowing 90 days to meet MH Standards.
7-12-07	Order of the Building Inspector filed at the courthouse, posted, mailed reg.& Cert. to owners. Cert. returned but regular was served. GOOD SERVICE
3-4-08	E mail to JA from NJR pls send file to City Attorney for collections of penalty.
3-5-08	Letter sent to Scott for collections. Details order exp. 10-10-07. 145 days of penalties to date are \$7,250
4-3-08	Notification from City Attorney that was a living will that was found and we would have to start over for good service on all parties.
5-1-08	Email to JA from NJR: pls cancel the order 07M-421 and re-file including the Son, Anthony Medlar who is on the living will and a Mortgage holder, Home American Credit Inc. d/b/a Upland Mortgage Company.
5-11-08	Cancellation of the Order, Complaint/Lis Pending filed at the courthouse # 07-M-421. Notice of hearing/Complaint /Lis Pending filed at the courthouse case # 08-M-331. Posted & Mailed to all parties cert & reg. Mail. Cert. & Reg. returned. NO SERVICE.
2-22-11	Case review w/attorney: redo the complaint/Lis pending Peggy will get mailing information
4-27-11	Phone contact made with Daughter. Addresses were provided.
4-27-11	Email to JA from NJR to amend the complaint #08-M-331 and set a new hearing date. (6-2-11) also notify the following parties.....
5-6-11	Notice of hearing/Complaint /Lis Pending file at the courthouse case # 08-M-331. Posted & Mailed to owner cert & reg. Mail. All mailings returned except for Mary Medlar reg. mail. SERVICE NOT GOOD.
5-16-11	Narrative: I received a phn call asking to continue the hearing until Monday June 20 th so she could be here with her Son. Agreed to meet with them. called back and said it would be July 14 th 2011
6-13-11	Narrative: owner called and asked if we could meet July 11, 11. Agreed.

CHRONOLOGICAL ORDER OF EVENTS

1710 Wilmington Street

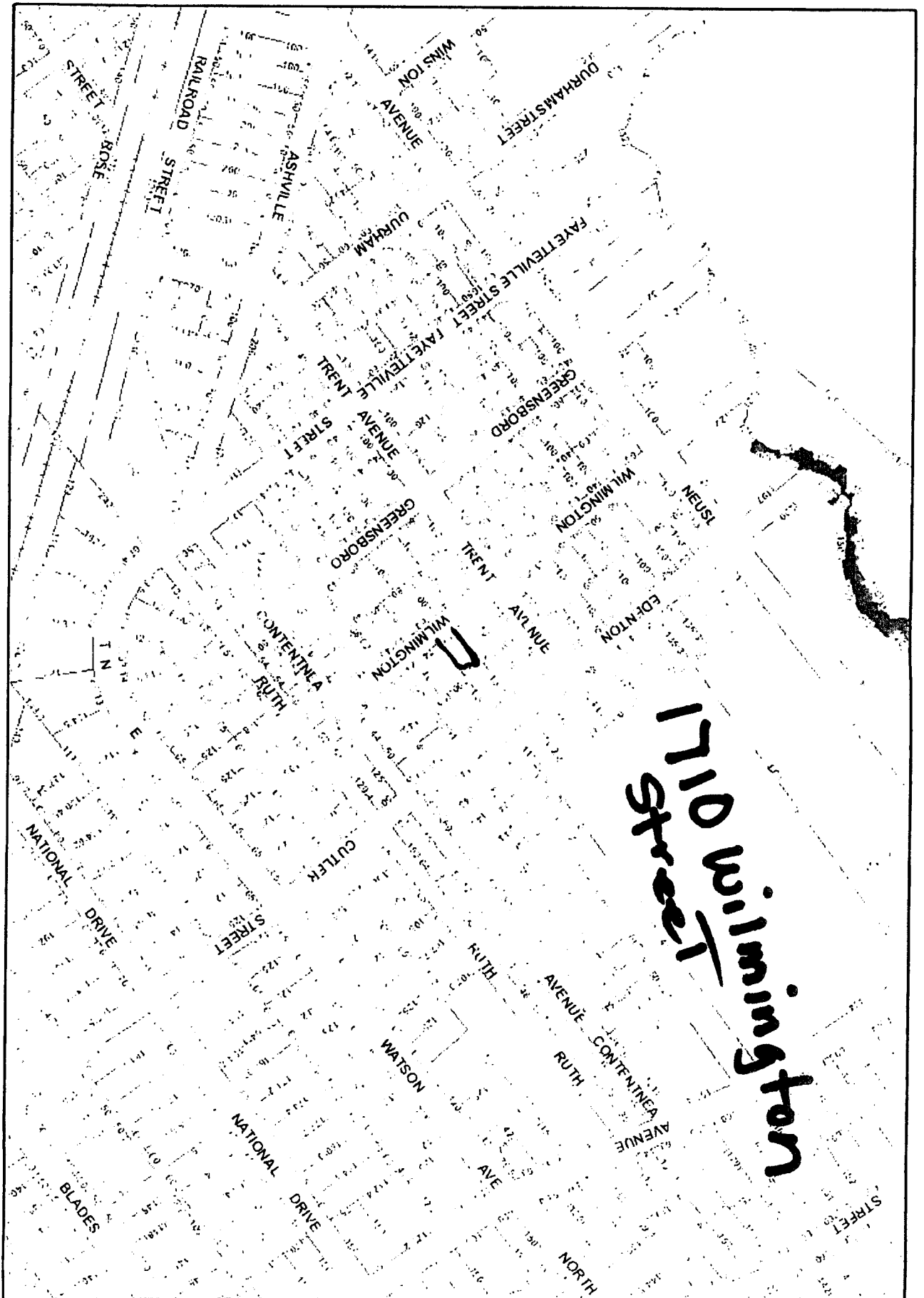
Date compiled 6-19-13

DATE	EVENTS
7-14-11	Talked with Mary & Anthony Medlar on the phone. Discussed the status of the house – Deteriorated, Vacant . They agreed to have the house in compliance by Nov. 11, 2011. No order was filed. Not good service to all parties on Lis Pending.
10-26-11	Narrative: talked to Anthony Medlar by phone he stated that he is the sole owner However GIS doesn't show it. He plans to come to NB soon.
12-9-11	Fire report received from NB FD. Fire investigation still open
1-5-12	Anthony Called and said he would be in NB this week.
1-13-12	Met on site with Anthony and fiancée. Intention are to sell or gut and rebuild is an opt. too. I gave him until Feb. 1 st .2012 to call me with a plan
2-27-13	GIS Information showing a NEW OWNER: Anthony Medlar. Title opinion request from City Attorney
3-20-13	Title Opinion received
4-15-13	Cancellation of Com[plaint/Lis Pending filed at the courthouse Case # 08M331
4-15-13	Notice of hearing/Complaint /Lis Pending file at the courthouse case # 13-M249. Posted & Mailed to owners cert & reg. Mail. Cert returned but regular mail served. GOOD SERVICE
4-30-13	Hearing held with Nancy Riegelsperger & chip Dickinson representing the City and properly notified, but not present were Anthony Medlar and Spouse of Anthony Medlar if any. Dwelling status and the lack of work being done were discussed. Findings: the structure is Dilapidated, vacant allowed 45 days to comply with MH Standards. Exp 6-11-13
5-8-13	Order of the Building Inspector filed at the courthouse, posted, mailed both reg.& Cert. to owners. Cert. returned, but regular was served. GOOD SERVICE
6-19-13	No work has been done. The chrono is updated and case is being prepared for the City Attorney for an ordinance to demolish.



Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes.

1 inch equals 288 feet



Quote

To Demolish Structure
by P.W. \$4200⁰⁰

Does n't include Asbestos testing
OR Abatement.

1710 Wilmington St.



(N) 2005 01 01 10:00 AM 10/1/05



Kear 22 1710 Wilmington St

Lehman 8-8