AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 905 BERN STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

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THAT WHEREAS, the City of New Bern properly served Shirley Temple Jones and spouse ("Owners"), on October 13, 2009, 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 905 Bern Street in the City of New Bern, North Carolina is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 905 Bern 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 August 3, 2010; 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, 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, 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 905 Bern 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.

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ADOPTED THIS 13th DAY OF AUGUST, 2013.

Vieronica E. Mattocks

CITY CLERK

EXHIBIT A

All that certain tract or parcel of land lying and being situate in Number Eight (8) Township, Craven County, North Carolina, being more particularly described as follows:

All that certain lot or parcel of land lying and being situate in the City of New Bern, Number Eight Township, Craven County, North Carolina, designated as Lot Number Nine (9) as the same is shown and delineated on that certain map or plat entitled 'PLAN OF BERN-PINE HOME SITES," which said map or plat was prepared by B. M. Potter, C.E., dated April, 1944, and which said map or plat is recorded in the Office of the Register of Deeds of Craven County in Map Book 3 at Page 8, to which said map or plat reference is hereby made for a more particular description of the aforesaid Lot Number Nine (9).





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: 8/6/2013

SUBJECT: Demolition of the Dwelling Located at 905 Bern Street

Staff is seeking approval of an ordinance to demolish the structure located at 905 Bern Street. The owner of the property was first notified of minimum housing violations in April of 2008 via certified letter. That letter was returned un-served. Another 10 day letter was mailed certified mail in March of 2009 with good service. In November of 2009 a hearing was held between property owner and chief building inspector. The owner was given 9 months to bring the property into compliance. To date no improvements have been made to the property and the property has accrued \$44,700 in fines.

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



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: 7/24/2013

RE: 905 Bern 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: Shirley Temple Jones Address: 153 Crooked Run Drive New Bern, NC 28560

This property has been thru the minimum housing process, and the Order of the Building Inspector expired on 8-3-10. The Complaint / Notice of Hearing and the Order of the Building Inspector were served via regular and certified mail on

Owner: Shirley Temple Jones & Spouse Address: 153 Crooked Run Drive New Bern, NC 28560

All regular mail was served for the Complaint / Notice of Hearing. The certified mailings were 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** and present was Owner: Shirley Temple Jones and husband, Mr. Gillyard.

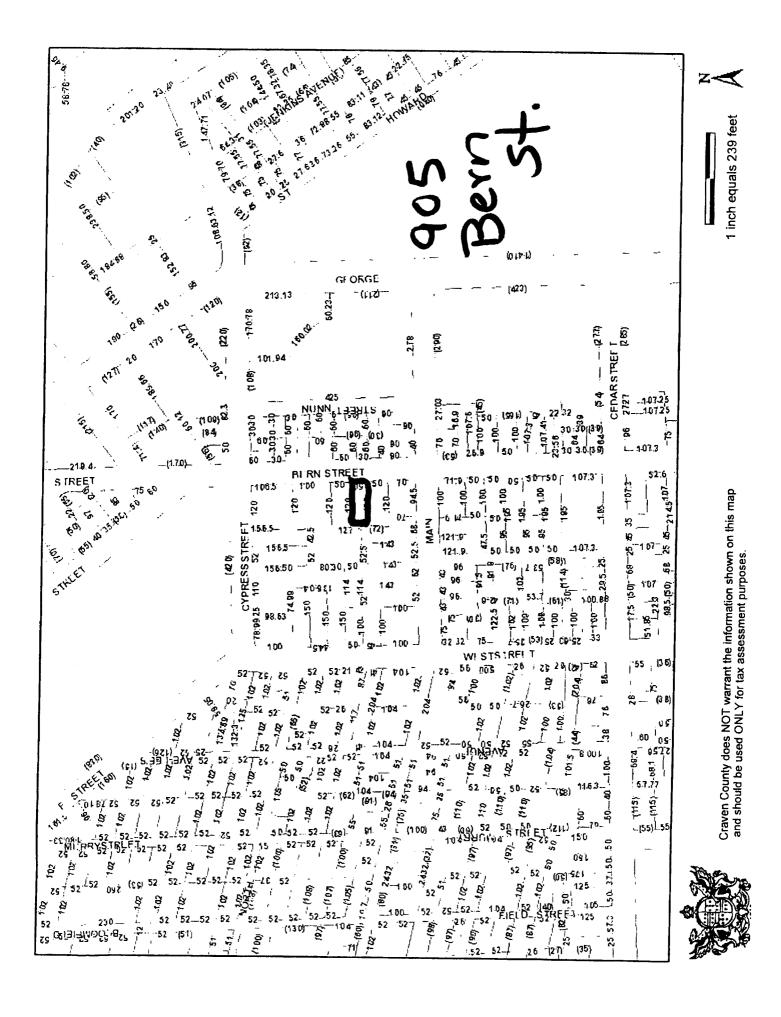
The Order was issued and served on the above party defendants. All regular mail was served for the Order and certified mailings were refused. Service was good.

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

Cc; Jeff Ruggieri

CHRONOLOGICAL ORDER OF EVENTS 905 Bern Street Date complied 7-17-13

DATE	EVENTS
4-8-08	GIS information shows Shirley Temple Jones as the owner
4-25-08	10 MH letter sent reg. & cert. mail. Both mailings were returned un-served.
3-6-09	GIS information shows Shirley Temple Jones as the owner with a new address.
3-6-09	10 MH letter sent reg. & cert. mail. Grn card signed 3-1-09 and reg. mail was served GOOD SERVICE
3-16-09	MH inspection performed several violations found. report prepared for mailing.
3-17-09	MH Insp. report mailed certified & Reg. mail. Green card returned signed 3-23-09 GOOD SERVICE
8-12-09	No improvements to the dwelling noted. Title opinion requested.
10-6-09	Title Opinion received
10-12-09	Request for a hearing to be set.
10-13-09	Complaint/ Lis Pending /Notice of Hearing filed at the courthouse, posted and mailed reg. & Certified Mail to Owner & spouse of owner regular mail served, cert. returned. GOOD SERVICE
11-3-09	Hearing held, present were Nancy Riegelsperger, representing the city & Shirley Temple Jones and Spouse, Mr. Gillard, Owners. Findings: the dwelling is Dilapidated, occupied, and the owner want to repair it but, money is an issue. 9 months to repair. Order to expire 8-3-10
11-4-09	The Order of the Building Inspector was filed at the courthouse, posted and mailed reg. & Certified Mail to Owner & spouse of owner, Mr. Gillard. regular mail served, cert. returned. GOOD SERVICE
4-7-2011	Courtesy letter sent regular & Certified Mail to Owner. regular mail served, cert. returned. GOOD SERVICE. Letter concerned no activity since 3-16-09. Expired order, must meet MH standard. Contact this office Immediately
8-6-12	Memo to Scott to proceed with collection: amount \$36,500. The order expired. 8-3-10
8-76-12	Courtesy penalty letter sent regular & Certified Mail to Owner. Regular & Certified mail served 8-10-12, GOOD SERVICE. Letter concerned a memo to Scott to proceed with collections
12-10-12	Memo to Scott to proceed with collection: amount \$42,850. The order expired. 8-3-10
12-14-12	Email to Peggy to see if Letter was sent. Response was not yet.
1-04-13	Email to Peggy to see if Letter was sent. Response was will get to it today.
1-14-13	Letter of Intent to collect penalties in the amount of\$ 44,700.00 sent to owner from Scotts Office
7-17-13	No response from the owner. Paperwork is being prepared for a demolition ordinance.
7-17-13	Chrono completed.



Quotes. 905 Bern St.

Demo by PW: \$ 9,200 00

Plus Asbestos Testing & removal if needed.

