

**AN ORDINANCE TO ORDER THE DEMOLITION OF DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 509 DARST AVENUE IN THE CITY OF NEW BERN, NORTH CAROLINA**

THAT WHEREAS, the City of New Bern properly served Shirley Mae Hamm (“Owner”) on December 18, 2012, pursuant to Section 38-30 of the Code of Ordinances for the City of New Bern, complaining and alleging that the dwelling owned by Owner located at 509 Darst Avenue in the City of New Bern, North Carolina is unfit for human habitation; and

WHEREAS, the Owner of the certain dwelling located at 509 Darst Avenue in the City of New Bern, North Carolina (“Subject Property”), was 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 February 17, 2013; and

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

WHEREAS, the Owner has 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:**

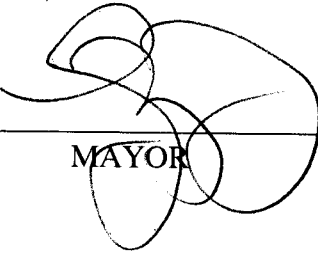
Section 1. That the Building Inspector of the City of New Bern is ordered to remove or demolish the dwelling located on the Subject Property at 509 Darst Avenue in the City of New Bern, North Carolina, more particularly described as follows:

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 13<sup>th</sup> DAY OF AUGUST, 2013.

  
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MAYOR

Veronica E. Matthews  
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:

A certain lot or parcel of land in the City of New Bern and situated in the subdivision of the Forbes property between Rountree and Darst Streets the lot hereby conveyed being a portion of lot number six according to a map of the said subdivision prepared by B. M. Potter, CE, and more particularly described as follows:

Beginning at a point on the northern margin of Darst Avenue marking the southern line of the said lot number six and running thence along the said Darst Avenue northwardly 30 feet; thence westwardly and parallel to the southern line of lot number six, 61.6 feet; thence southwardly 30 feet to the southern line of said lot number six; thence eastwardly and with the said southern line of lot number six, 61.6 feet to the beginning; being a part of lot number six as conveyed to the said Enoch Cox and wife by deed from B. F. Hagood.

# 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:** 8/6/2013

**SUBJECT:** Demolition of the Dwelling Located at 509 Darst Ave

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Staff is seeking approval of an ordinance to demolish the structure located at 509 Darst Ave. The original order for compliance expired in August of 2000. Over that period the property has accrued approximately \$238,000 in compliance charges. In June of 2013 the City contacted the present owner of the property to discuss a donation of the property. The City received no response from the owner and is now moving forward with demolition.

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: 6/4/2013

RE: **509 DARST AVE**

I am requesting an **ordinance** on the above referenced property To be presented to the Board on June 25<sup>th</sup> 2013.

Attached is the owner's information and enclosed are the service verifications, chronological order, Complaint, and the Order.

Owner: Shirley Mae Roundtree Hamm  
Address: 3400 Comm. Joshua Barney Dr. NE 105 W  
Washington DC 20018

This property has been thru the minimum housing process, and the Order of the Building Inspector expired on **2-14-13**. The Complaint / Notice of Hearing and the Order of the Building Inspector were served via regular and certified mail **SEE ATTACHED**.

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

# CHRONOLOGICAL ORDER OF EVENTS

509 DARST AVE

5-13-13

DATE	EVENTS
2-18-2003	Memo to Scott Davis, City Attorney from JC. CBI a request to proceed with collection of accruing penalties on several properties including 509 Darst. order exp 8-29-00
1-13-04 3-17-04 5-17-04 7-15-04 10-14-04 2-14-05	Minimum Housing checks for compliance all inspections revealed not working on structure/no change.
9-2-08	NARRATIVE: Please send this case to Scott for collections
9-18-08	Letter sent to City Attorney, Scott Davis requesting the penalty of \$143,800.00 fro 2,876 days have passed sine the order expired. Attached to this letter was the tax bill inquiry from the city.
7-14-09	NARRATIVE: please make a copy of the file and send it to Scott he requested it to follow up on this case.
8-07-09	MH Letter sent to owner. . Conformation received 8-24-09
8-07-09	NARRATIVE: please request a title opinion
8-11-09	NARRATIVE: JA title opinion not ordered
3-3-10	NARRATIVE: request a title opinion so a hearing can be done to change the status of the structure.
8-5-09	GIS information shows the same owner with a different address.
8-25-08	NARRATIVE: soke w/ Ms Hamm, Owner explained time was not an opt. history of the house, the order and the dilapidated state in which the house is now in were all discussed. She wants to repair it but, no grant money she stated was available. Suggestion were made and I told her another hearing was going to be held to change the status from deteriorated to dilapidated in approx 60 days that will give her a little time to prepare for the hearing and how to prepare,,,,
1-24-10	Letter sent to owner from city attorney, stating money owed in penalties and options available....
3-3-10	Another request for a title opinion
9-15-10	GIS information confirming the same owner
12-10-10	Title opinion received
2-22-11	Meeting with attorney went over the case history.....
4-5-11	Email from Theasea Lee, NRCDC Coordinator we would be interested in receving this as a donation.
12-18-12	Amended complaint filed at the courthouse mailed certified and regular mail to the owner . Conformation received by regular mail. Cert. returned-refused 01-07-13
1-17-13	Letter received from the owner wanting to donate the property she does not have the funds to repair
1-17-13	Hearing held with Nancy Riegelsperger , Building Inspector & Johnny Clark, Chief Building Inspector. No observers, the owner Shirley Hamm f/K/A Shirley Mae Roundtree was properly notified but was not present. Evidence was given, photo were submitted and the order of the building inspector was determined to be dilapidated...
1-17-13	Email sent from NJR to Jeff Ruggieri, Scott, Johnny & T.Lee reference to donation of this property
1-21-13	Returned email response from scott we will take the property if the city wants it. NO OTHER RESPONSE RECEIVED.

# CHRONOLOGICAL ORDER OF EVENTS

509 DARST AVE

5-13-13

DATE

EVENTS

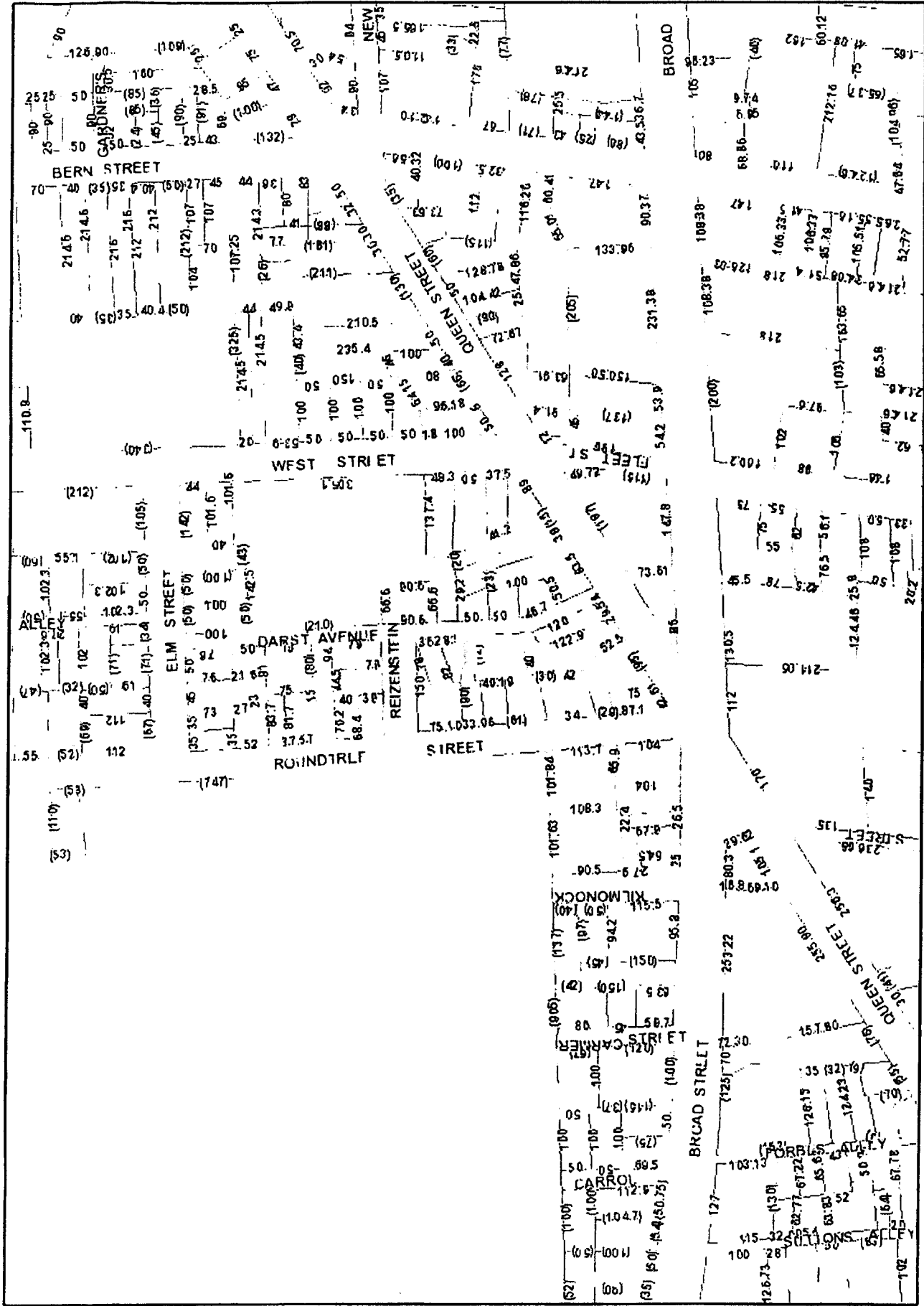
1-23-13	The order of the building inspector was filed at the courthouse and mail to the owner certified & regular mail Conformation received by regular mail. And certified 1-26-13.
5-13-13	Paperwork prepare for an ordinance request
6-4-13	Paperwork submitted to Scott, City Attorney for ordinance
6-4-13	Disconnect requests submitted.
6-7-13	Letter of intent to demo dwelling sent to the owner ..... certified & Reg mail. Cert. returned un-served Regular mail delivered. GOOD SERVICE
6-18-13	Email to Scott requesting him to take the owner up on her offer to donate the property to the City in lieu of demo cost and city taxes owed per Jeff.
7-25-13	Scotts office reports no response from Ms. Hamm, Owner
7-26-13	Paperwork re-submitted for ordinance and requested to be placed on the August 13 <sup>th</sup> calendar.
8-5-13	Chorno updated by NJR

Quotes to  
Demo  
509 Darst Ave

PW - \$ 3800

plus Asbestos testing @ \$150<sup>00</sup>  
and any abatement (Does have  
Transition House)  
Cost unkn

Set for June 25<sup>th</sup> BOA



1 inch equals 214 feet

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





509 Darst

6-4-13 