AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 1103 RALEIGH STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Teresa Cogdell McCord and Spouse and Eva Shaw Cogdell ("Owners"), on February 2, 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 Owners located at 1103 Raleigh Street in the City of New Bern, North Carolina is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 1103 Raleigh 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 23, 2012; 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:

<u>Section 1</u>. That the Building Inspector of the City of New Bern is ordered to remove

or demolish the dwelling located on the Subject Property at 1103 Raleigh 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 27th DAY OF AUGUST, 2013.

MAYOR PRO TEM

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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:

That certain lot or parcel of land lying and being situate in North Carolina, Craven County, City of New Bern, and being the western half of Lot No. 125 according to the plan of Mechanicsville, a map or plat of which is recorded in the Office of the Register of Deeds of Craven County in Book 116 at Page 530.

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: 8/21/2013

SUBJECT: Demolition of the Dwelling Located at 1103 Raleigh Street

Staff is seeking approval of an ordinance to demolish the structure located at 1103 Raleigh Street. The original order for compliance was filed in October of 2010. A hearing was held with the property owners on 2/23/13. The Chief Building Inspector issued an order stating the property had 6 months to come into compliance. The Order has expired and no permits have been filed or work initiated.

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

City of New Bern



Bevelopment Services Bepartment

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: 8/19/2013

RE: 1103 Raleigh 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: Teresa Cogdell & Spouse and Eva Shaw Cogdell & Spouse

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: Teresa Cogdell & Spouse Address: 341 Driftwood Drive Chesapeake VA 23320

Owner: Eva Shaw Cogdell & Spouse

Address: 1018 Lees Ave New Bern NC 28560

All mail was served reg. & certified for the Complaint / Notice of Hearing. Service was good.

The hearing was held on 2-23-12 in the office of the Building Inspector with Nancy Riegelsperger representing the City and Mary Hitt in behalf of Eva Shaw Cogdell, Teresa Cogdell McCord & Cathleen Staten. **Properly notified but not present were:** N/A

The Order was issued and served on the above party defendants. All regular mail was delivered for the Order and 1 certified mailings was served and 1 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

1103 Raleigh Street

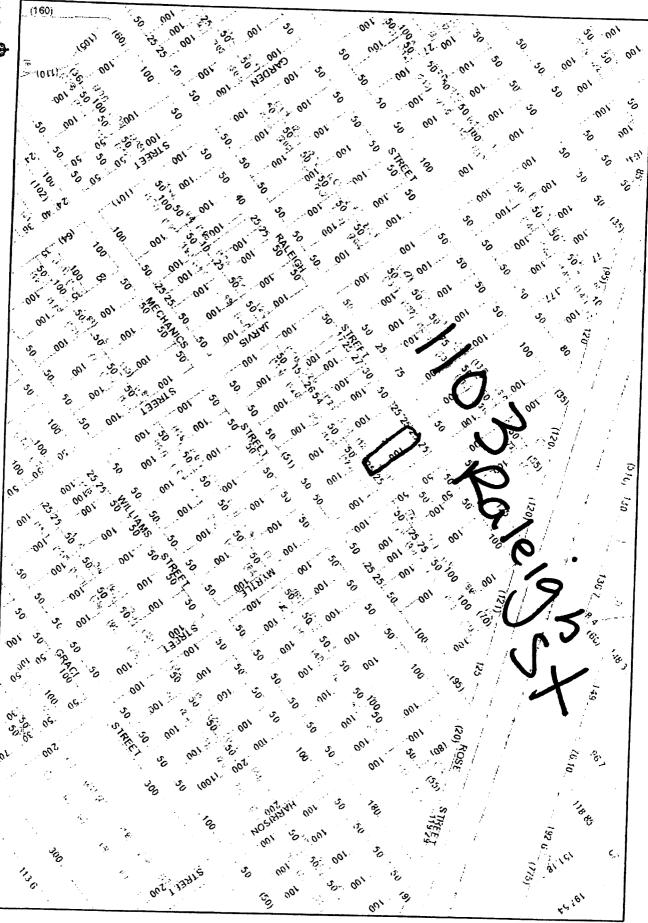
Prepared on 8-14-13

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DATE	EVENTS
10-07-10	GIS Printout shows Teresa Cogdell as the owner, 10 day MH letter sent to owner cert &
	reg. Mail. Reg. delivered, cert served grn card signed. GOOD SERVICE
10-22-10	Received a message by phn from 757 548 0567 requesting MH STANDARDS sheet be sent
	via email. Email verification that MH Standards sheet was delivered via email to
	mccordteresa@att.net
10-28-10	E mail from JA to NJR MH Letter expired. Response: I received a call from her and she
	plans to be in the area in Nov. she will call & we will meet on site then.
1-19-11	Request for a title opinion from the City Attorney
6-24-11	Second request for a title opinion
8-22-11	Title opinion received. Shows Teresa Cogdell McCord & Spouse and Eva Shaw Cogdell as
	title vested.
2-2-12	Complaint Lis Pending/Notice of Hearing filed at the courthouse posted & mailed reg. &
	cert. to Owners. All regular mail delivered and all certified mail was signed for GOOD
	SERVICE.
2-23-13	HEARING HELD Present was: Nancy Riegelsperger representing the city.
	Mary Hitt, Eva Cogdell daughter also Teresa Cogdell McCord, Catherine Staten,
	representing the owners.
	Not present but properly Notified was Mary Shaw Cogdell.
	Present also as observers were: Lewis Cogdell Jr., Francenia Johnson, James, Dorothy,
	and Catherine Cogdell.
	FINDINGS: Structure, a concrete block shell with a wood floor found to be Dilapidated,
	Vacant. Issued a 6 month Order (to expire 8/23/12) to comply with code. Discussion
	about demolition and a quote from PW to demo is approx \$3500.00 plus asbestos
	testing/abatement.
3-7-12	The order of the Building inspector was filed at the courthouse, posted, and mail to the
	owner's reg. & cert mail. A courtesy copy was mail to Catherine Staten all regular mail
	was delivered and 1 cert. was returned unclaimed and 1 was signed for. GOOD SERVICE
4-9-12	E mail received from Teresa stating she is looking for a contractor and asked for a list,
	also a regulations regarding generators. I replied by email and advised her we did not
	have a list of contractors and I copied the ordinance related to generators and forward it
	to her.
8-14-13	No work has been done, no permits have been obtained and no inspections have been
	requested. Preparing case for City Attny. for demolition ordinance.

Quote for Pw to Demolish \$3,500 not to include Asbestos, Testing or Abatement

& 1103 Raleigh St.



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







1103 Raleigh Xt.