



Legislation Text

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File #: 18-289, Version: 1

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**TO: Mayor and Members of City Council**

**THRU: Jay Reinstein, Assistant City Manager**

**FROM: Bart Swanson, Housing and Code Enforcement Division Manager  
Gerald Newton, Development Services Director**

**DATE: June 25, 2018**

**RE:  
Uninhabitable Structures Demolition Recommendations**

138 Andover Road	District 1
4830 Belford Road	District 9
6206 Lynette Circle	District 7
1919 & 1919 ½ Powell Street	District 2

**COUNCIL DISTRICT(S):  
1,2,7 & 9**

**Relationship To Strategic Plan:**

Goal 2: More attractive City - Clean and Beautiful  
Goal 3: Growing City, Livable Neighborhoods - A Great Place To Live

**Executive Summary:**

Staff request for demolition ordinance approval on four residential buildings determined to be dangerous.

**Background:**

**138 Andover Road 0439-67-7246**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on January 11, 2018 due to structural failure of the roof, walls and floors. A hearing on the condition of the structure was conducted on March 28, 2018, for which one owner appeared and the other owner responded by telephone. A notice of the hearing was published in The Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on March 29, 2018. To

date, there have been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been 2 calls for 911 service to the property. There have been 8 code violation cases with \$202.50 in City assessments and \$2,022.07 in outstanding taxes.

### **4830 Belford Road 0407-91-0869**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on March 1, 2018 due to structural failure of the roof. A hearing on the condition of the structure was conducted on April 11, 2018, and the owner failed to attend. A notice of the hearing was published in The Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on April 12, 2018. To date, there have been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been no calls for 911 service to the property. There have been 5 code violation cases with \$2,653.94 in City assessments and \$1,235.18 in outstanding taxes.

### **6206 Lynette Circle 0407-43-2653**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on March 1, 2018 due to significant fire damage. A hearing on the condition of the structure was conducted on April 11, 2018, at which the owner failed to attend. A notice of the hearing was published in The Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on April 12, 2018. To date, there have been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been 2 calls for 911 service to the property. There have been 5 code violation cases with no City assessments and \$2,441.63 in outstanding taxes.

### **1919 & 1919 ½ Powell Street 0436-13-2585**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on March 1, 2018 due to significant fire damage. A hearing on the condition of the structure was conducted on April 11, 2018, at which the owner failed to attend. A notice of the hearing was published in The Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on April 12, 2018. To date, there have been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been 4 calls for 911 service to the property. There have been 7 code violation cases with no City assessments and \$1,573.47 in outstanding taxes.

### **Issues/Analysis:**

The subject properties are dangerous, sub-standard and detrimental to the surrounding

neighborhood and promotes nuisances and blight, contrary to the City's Strategic Plan Goal1.

**Budget Impact:**

The demolition cost of these structures will be determined at a later date subject to a competitive bidding process to be conducted after adoption of the demolition ordinance. There may be additional unknown costs for asbestos testing and abatement if needed.

**Options:**

Adopt the ordinances and demolish the structures.  
Abstain from any action and allow the structures to remain.  
Defer any action to a later date and provide direction to staff.

**Recommended Action:**

Staff recommends that Council move to adopt the ordinance authorizing demolition of the structures. Council is advised that staff continues to work with property owners up until the actual City-ordered demolitions to either get the structures repaired and code-compliant or to demolish the structures themselves or with a Community Development grant. In the event we are successful, we bring Council a demolition rescission ordinance to clear the property of the cloud on the title from the original demolition order. We prefer to get demolition ordinances approved as Council action increases our leverage with property owners in obtaining code compliance. Only an action by the Council can stay or suspend demolition proceedings.

**Attachments:**

Aerial photos  
Violation photos  
Proposed ordinances