



Planning & Inspections Department

308 East Stadium Drive * Eden, North Carolina 27288-3523 * (336) 623-2110 * Fax (336) 623-4057

MEMO

To: Honorable Mayor and City Council
Thru: Brad Corcoran, City Manager
From: Kelly K. Stultz, AICP, Director
Subject: Human Habitation Standards Action/1032 Sharpe Avenue
Date: June 4, 2012

Attached you will find a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish and a copy of the Complaint and Notice of Hearing Before Housing Inspector Under Housing Code which sets out the violations. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$2,300.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

§ 4-90 FAILURE TO COMPLY WITH ORDER; OWNER.

(A) If the owner fails to comply with an order to repair, alter or improve the dwelling, the Director may:

(1) Cause such dwelling to be repaired, altered or improved, and pending such repairs, alterations or improvements, may order such dwelling vacated and closed.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling, the Director may:

(1) Cause such dwelling to be vacated and closed, removed or demolished.

(2) Cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(C) The duties of the Director set forth in subsections (A) and (B) shall not be exercised until the City Council, by ordinance, shall have ordered the Director to proceed to effectuate the purpose of this article with respect to the particular property or properties which the Director shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this article. Such ordinances shall be recorded in the office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index.

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. (Ord. passed 5-15-95)

COMPLAINT AND NOTICE OF HEARING BEFORE
HOUSING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the property located at 1032 SHARPE AVENUE of the City of Eden, North Carolina.

ESSIE C. HAMPTON; all assignees, heirs at law and devisees of ESSIE C. HAMPTON together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of ESSIE C. HAMPTON; NORMA HAMPTON HAMILTON, all assignees, heirs at law and devisees of NORMA HAMPTON HAMILTON together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of NORMA HAMPTON HAMILTON; GERALDINE HAMPTON BANKS, all assignees, heirs at law and devisees of GERALDINE HAMPTON BANKS together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of GERALDINE HAMPTON BANKS; VIRGINIA HAMPTON BROOM, all assignees, heirs at law and devisees of VIRGINIA HAMPTON BROOM together with all creditors and lienholders regardless of how or through whom they claim, and any and all persons claiming any interest in the estate of VIRGINIA HAMPTON BROOM.

Alice Mae Hampton
313 W. 57th Street, Apt. 6C
New York, NY 10019-3109

Jane L. Hampton
1031 Sharpe Avenue
Eden, NC 27288

YOU ARE HEREBY NOTIFIED that the dwelling unit and/or lot located at the address designated above is in a condition that appears to be unfit for human habitation and to violate the City of Eden Minimum Housing Code in the following ways:

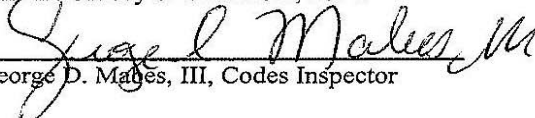
1. Insufficient floors or roofs
2. Dilapidation, decay, unsanitary conditions or disrepair
3. Defects increasing fire, accident hazards
4. Inadequate floors or roofs
5. Inadequate egress in case of fire or panic
6. Foundation walls, exterior walls or roofs in disrepair, not weather tight, watertight, or rodent proof
7. Floors, interior walls or ceilings of unsuitable materials which promote sanitation, cleanliness, and privacy

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Housing Inspector of the City of Eden at 308 East Stadium Dr. at 9:00 A.M. on December 28, 2011 for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at (336) 623-2110.

This the 6th day of December, 2011.


George D. Mates, III, Codes Inspector

Prepared by and Return to:
Erin B. Gilley

AN ORDINANCE AND ORDER
FOR THE DEMOLITION OF
PROPERTY AT 1032 SHARPE AVENUE,
EDEN, NORTH CAROLINA

THIS ORDINANCE is issued pursuant to the provisions of North Carolina General Statutes §160A-443 and Chapter 4, Article IV of the Eden City Code.

WHEREAS, on the 13th day of July, 2011, the Director of the Planning and Inspections Department examined the dwelling owned by Essie C. Hampton Heirs located at 1032 Sharpe Avenue, Eden, North Carolina and found it to be unfit for human habitation, that said property is more particularly described as follows:

BEGINNING at an iron pipe in the southern edge of Sharpe Avenue, the same being North 72 deg. East 921.90 feet from an iron marking the southwest corner of Sharpe Avenue and Hairston Street; thence South 18 deg. East 150 feet to an iron pipe; thence North 72 deg. East 100 feet to an iron pipe; thence North 18 deg. West 150 feet to an iron pipe in the southern edge of Sharpe Avenue; thence with the southern edge of Sharpe Avenue, South 72 deg. West 100 feet to the POINT OF BEGINNING, and containing 15,000 square feet. The same being a portion of 3.123 acre tract in the Jamestown Addition to Draper, N.C., surveyed by W. T. Combs, C.E., December 9, 1931, for the Mebane Virginia Land & Water Power Company and purchased by Louis H. Hairston and wife, Ida Hairston – Deed Book 266, page 57, Rockingham County Courthouse.

The above described property being more commonly known as 1032 Sharpe Avenue, Eden, North Carolina, and being further identified by the Rockingham County Tax Dept. as PIN 7090-14-34-5000-00.

WHEREAS, on the 6th day of December, 2011, the Director caused to be issued a Complaint and Notice of Hearing for the 28th day of December, 2011, which was served on the property owners by publishing the Complaint and Notice in the Rockingham Section of the News & Record on December 11, 2011 and by posting a copy on the subject property on the 9th day of December, 2011; that Alice Mae Hampton and Jane L. Hampton, two of the heirs of Essie C Hampton were mailed copies of the Complaint and Notice of Hearing on December 7, 2011, by certified mail, return receipt requested, and by first class mail; that the certified mail was returned by the U. S. Postal Service and marked “Unclaimed;” that the first class mail was not returned; and

WHEREAS, the Director caused a Notice of Lis Pendens to be filed in the Office of the Clerk of Superior Court for Rockingham County, North Carolina, on the 22nd day of December, 2011; and

WHEREAS, the hearing was held on the 28th day of December, 2011, and the Director issued an Order to repair, alter, improve or vacate and close the property; and

WHEREAS, a copy of the Order was served upon the property owners by publishing the Order in the Rockingham Section of the News & Record on December 31, 2011 and by posting a copy on the subject property on the 29th day of December, 2011; that Alice Mae Hampton and Jane L. Hampton were mailed copies of the Order on December 28, 2011, by certified mail, return receipt requested, and by first class mail; that the certified mail was returned by the U. S. Postal Service and marked "Unclaimed;" that the first class mail was not returned; that Jane L. Hampton was served by the Sheriff of Rockingham County on the 26th day of January, 2012; and

WHEREAS, the property owners did not appeal the Order and, pursuant to Chapter 4, Section 4-89(b) of the Eden City Code, a copy of the order has been mailed to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notice; and

WHEREAS, the Owners have had a reasonable opportunity to bring the property into conformity with Chapter 4, Article IV of the Eden City Code and they have failed to take any action to comply with the Director's Order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that the Director is hereby ordered to proceed to effectuate the purpose of the Human Habitation Standards set out in Article IV of Chapter 4 of the Eden City Code with respect to the property described above by demolishing the structure located thereon.

IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina, and indexed in the name of Essie C. Hampton, Alice Mae Hampton and Jane L. Hampton in the Grantor index.

IT IS FURTHER ORDERED that the amount of the cost of demolishing the dwelling by the Director shall be a lien against the real property upon which the cost was incurred, said lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by North Carolina General Statutes Chapter 160A, Article 10.

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of June, 2012.

CITY OF EDEN

BY: _____
John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

STATE OF NORTH CAROLINA

ROCKINGHAM COUNTY

I, Sheralene Thompson, Assistant Clerk of the City of Eden, North Carolina, do hereby certify that the foregoing instrument is a true, correct and complete copy of An Ordinance and Order For The Demolition Of Property at 1032 Sharpe Avenue, Eden, North Carolina that was duly adopted by the City Council of the City of Eden, at a regular meeting of said City Council duly convened and held on the 19th day of June, 2012, as appears upon the minutes of said meeting.

WITNESS my hand and the corporate seal of the said City of Eden, North Carolina, this the _____ day of _____ June _____, 2012.

Sheralene Thompson
Clerk of the City of Eden, North Carolina