



## Request for City Council Committee Action from the Department of Regulatory Services

**Date** January 17, 2007

**To** Public Safety and Regulatory Services Committee, The Honorable Don Samuels, Chairperson

**Referral to** No referral

**Subject** Waiver of the 60 day waiting period requirement to declare 2126 Dupont Avenue North a Nuisance: Title 12 Chapter 249.30 (b) relating to Housing; Vacant Dwelling or Building, Nuisance Condition.

### Recommendation

Approve waiver of the 60 day waiting period for the property located at 2126 Dupont Avenue N – in order to declare the property a nuisance and begin abatement proceedings.

### Previous Directives

None

Prepared or Submitted by Thomas Deegan, Manager of the Problem Properties Unit, 673-3310.

Approved by: \_\_\_\_\_  
Rocco Forte, Assistant City Coordinator

\_\_\_\_\_  
Henry Reimer, Director of Inspections

### Presenters in Committee

Lee Wolf, Attorney  
Tom Deegan, Manager of Problem Properties Unit

### **Financial Impact (Check those that apply)**

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.

Other financial impact (Explain):

Request provided to department's finance contact when provided to the Committee Coordinator.

### **Community Impact (use any categories that apply)**

Neighborhood Notification – NO

City Goals – Maintain the physical infrastructure to ensure a safe, healthy, and livable city.

Comprehensive Plan – NO IMPACT

Zoning Code – NO IMPACT

Other

### **Background/Supporting Information Attached:**

On the morning of January 16, 2007, the property located at 2126 Dupont Avenue North sustained substantial damage due to a fire. The entire second floor of the structure, including all major supporting elements of the roof, interior walls and windows were severely damaged. There was also significant damage to the structure caused by fire suppression efforts which resulted in extensive water damage and dangerous ice build up. Due to the condition of the roof and second floor, the property will continue to deteriorate rapidly due to freezing temperatures and exposure to the elements.

2126 Dupont Ave North is a four-plex located in the Hawthorne Neighborhood.

According to the Sheriff's Foreclosure records, the property was recently redeemed by the Deutsche Bank National Trust Company as Trustee, after the foreclosure redemption period expired (November 9, 2006).

The 249 ordinance requires that a property be boarded for a period of 60 days before it can be declared a nuisance and subject to abatement actions. However, 249.30 section (b) states that if the Director of Inspections and the Fire Marshall determine that the property constitutes an immediate hazard and the City Council concurs, the 60 day waiting period may be waived and staff can proceed immediately to the other procedures in the ordinance, specifically, sending a Director's Order to demolish.

Staff believes that this situation constitutes an immediate hazard to the public health and safety and requests approval for a waiver of the 60 day waiting period for the property located at 2126 Dupont Avenue North.

The waiver does not preclude notification to all owners of the order to demolish, or deny the owners a right to appeal the Director's Order, it simply expedites the process by 60 days.