

Before the City of Columbia, Missouri

In the Matter of:)
908 NORTH SEVENTH STREET)
Columbia, Missouri)
)

Findings of Fact, Conclusion of Law and Final Order

Pursuant to Ordinance Section 6-72, Subsection 107.6, this matter came before me, Timothy Teddy, Director of Community Development for the City of Columbia, Missouri, on March 18, 2022 9:05 a.m. for a hearing on:

- Whether the property located at 908 North Seventh Street, Columbia, Missouri (the Property), should be found to be a nuisance and a detriment to the health, safety or welfare of the residents of the City; and
- Whether, on behalf of the City, I should therefore order the building to be repaired, reconditioned, remodeled, totally or partially vacated, demolished or placed in a sanitary condition, as provided under Ordinance 6-72, Subsection 107.7.

The hearing was held at Columbia City Hall, 701 E. Broadway, Columbia, Missouri, Conference Room 1A, First Floor.

At the hearing, the City was represented by City Prosecutor Robert Rinck. Neither the property owner nor any persons claiming an interest in the property were present. Testimony was provided at the hearing by City of Columbia Code Enforcement Specialist James Stark who works for the City of Columbia, Community Development Department, and City of Columbia Building and Building Regulations Supervisor John Simon who works for the City of Columbia, Community Development Department. For the reasons stated below, I am ordering the building on the Property be either repaired and brought into compliance with the Columbia Code of Ordinances or demolished and all debris removed in order to assure the Property is returned to a sanitary and safe condition, as well as imposing other conditions described below.

Findings of Fact

1. I find the evidence supporting the following findings of fact is both competent and substantial.
2. A certified copy of the applicable ordinances was accepted into evidence as

Exhibit 1.

3. The Property has the following legal description:

Fifty (50) feet off the South end of Lot Number Four (4) in Ballew's Subdivision of 13.25 acres, the West part of the Northeast Quarter of the Northeast Quarter of Section Twelve (12), Township Forty-eight (48) North, Range Thirteen (13) West, in the City of Columbia, Boone County, Missouri, the tract hereby conveyed fronting West on Seventh Street 50 feet and running back East to the East line of said Lot Four (4).

Said Property title is vested in Wolfe Owned Properties, LLC, a Missouri limited liability company by Warranty Deed recorded November 1, 2007 in Book 3233, Page 111, Records of Boone County, Missouri as noted in a title search and Boone County Assessor's web page referenced and admitted as Exhibits 2 and 3.

4. That the title search indicated a possible deed of trust was held by UMB Bank.
5. That no city utility services have been active to the property as of May 28, 2013 as referenced in the city utility screen shot and admitted as City Exhibit 4.
6. Mr. Stark testified that an initial inspection of the Property was conducted on March 4, 2021 and indicated that the property was abandoned and unsecured with windows missing and the back door was open.
7. Mr. Stark testified that on April 28, 2021, a violation notice was prepared and mailed to the owner of the property both first class mail and as a certified letter; and that the letter stated violations under Section 6-72.107.1(5)(8)(9) stating structures that are either dilapidated or decayed so as to become a danger to the life, safety, health or welfare of any occupants or residents of the city, or exist in violation of any provision of the Building Code of the City of Columbia which are also a danger to the life, safety, health or welfare of the occupants or residents of the city; and those structures which, if occupied, would constitute a hazard to the safety, health or welfare of the occupants because of lack of maintenance or are in disrepair, lack sanitary facilities or equipment or otherwise fail to comply with the minimum provisions of the Columbia Code of Ordinances; and set timelines for either demolition or repair and failure to take corrective action could lead to the setting of a hearing on the matter; and said letter was referenced and admitted as Exhibit 5.
8. Mr. Stark testified that on April 29, 2021, the Property was posted with a placard stating that the structure was to be vacated and remain vacated until the violations have been corrected and a copy of said placard was admitted as Exhibit 6.

9. Mr. Stark testified that on August 10, 2021, a re-inspection of the Property was conducted due to reports of persons entering the Property as it unsecured. That this re-inspection evidenced an open window and missing windows on the Property.
10. Mr. Stark testified that he had made multiple unsuccessful attempts to contact the Property owner in an effort to have the Property secured.
11. Mr. Stark testified that further reports were made regarding persons entering the Property and causing damage which initiated a Final Notice letter dated December 17, 2021. That this letter repeated the issues stated in the prior letter and also noted law enforcement activity and fire personnel response to extinguish material being burned on the Property; and finally giving notice that demolition was ordered to occur and the application for said demolition should be obtained no later than thirty (30) days from the receipt of the Final Notice. A copy of the Final Notice was referenced and admitted as Exhibit 7.
12. Mr. Stark testified that the Final Notice was mailed both First Class mail and Certified and was posted on the Property.
13. That a Notice of Violation also indicating that the Property was in violation and demolition was to commence by February 15, 2022 was published in a local newspaper, the Missourian, as referenced and admitted as Exhibit 8.
14. That a timeline of photos beginning on March 4, 2021 through March 18, 2022 showed continuing deterioration of the Property including the rotting of the roof, missing fascia, debris in the yard, missing windows, open crawl space, missing siding, and evidence of some habitation. That said photos were examined and entered into evidence as Exhibit 9.
15. Mr. Stark testified that as of March 18, 2022, no permits have been applied for nor any work had commenced on the Property for either repair or demolition.
16. Mr. Stark testified that the Property was posted with a Notice of Hearing that indicated a hearing was to be held on March 18, 2022 at 9:00 a.m. Columbia City Hall, 701 East Broadway and a photo of said notice was photographed and admitted as Exhibit 10.
17. That a Notice of Hearing was mailed both First Class and Certified to both Wolfe Owned Properties and UMB Bank.
18. That a Notice of Hearing was published in the local media, the Missourian, on March 2, 2022 and an affidavit of publication was referenced and admitted as Exhibit 11.
19. That an envelope containing the returned mail that had been sent Certified was

presented and admitted as Exhibit 12.

20. That John Simon, Building Regulations Supervisor, testified that he has 30 years in the construction industry and 16 years with the city as a code enforcement official, and has viewed the property and noted that the Property appears to have lacked any maintenance for several years and in particular the roof which does not appear to be watertight.
21. Mr. Simon testified that the roof deterioration is significant and typically indicates deterioration and decay on the interior of the Property.
22. That Mr. Simon testified that he reviewed the reports and photos from Mr. Stark.
23. Mr. Simon testified that he prepared the initial notice of violation and the subsequent Final Notice.
24. Mr. Simon testified that no appeals had been taken to the Building Codes Construction Committee and to his knowledge, no applications had been made for either the repair or demolition of the property, and if any had been made, none had been obtained.
25. That Mr. Stark testified that based on his education, training and experience, it as his recommendation that the appropriate disposition of the Property is that it be demolished.
26. I find that Mr. Stark's testimony is credible regarding the condition of the Property and supported by the photos and that these conditions exist at the Property.
27. That Mr. Simon testified that the Property constitutes a nuisance and that his recommendation is that the Property be demolished.
28. I find that Mr. Simon's testimony is credible regarding the condition of the Property and supported by the photos and that these conditions exist at the property.

Conclusions of Law

29. As indicated at the hearing, all exhibits presented at the hearing, Exhibits 1 through 12, have been admitted and are part of the record of this case.
30. Pursuant to Ordinance 6-72, Subsection 107.7, findings in this case must be based on competent and substantial evidence. I conclude that this standard has been met based on the evidence cited for all facts found in this matter.
31. I find all procedural obligations have been met including the requirements of Section 6-72, Subsection 107.2, 107.3, 107.4, 107.5, and 107.6.
32. I find that the condition of the Property as noted in the Exhibits presented and the testimony of James Stark constitute violations of Ordinance 6-72.
33. I further find that the Property constitutes a nuisance under Ordinance 6-72, Subsection 107.1:
 - a. Subsection 107.1(5) "Those structures which are so dilapidated or decayed that they are a danger to the life, safety, health or welfare of the occupants or the residents of the city" in that the Property is dilapidated with missing flooring, open holes from the interior to the exterior, deteriorated ceiling and hanging insulation;
 - b. 107.1(8), "Those structures which exist in violation of any provision of the Building Code of Columbia, Missouri or other ordinances of this city and which are a danger to the life, safety, health or welfare of the occupants or residents of the city as noted in the Notice of Violation;
 - c. 107.1(9), "Those structures which, if occupied, would constitute a hazard to the safety, health, or welfare of the occupants because they lack maintenance, are in disrepair, are unsanitary, vermin infested or rodent infested, lack of sanitary facilities or equipment or otherwise fail to comply with the minimum provisions of this code"; and
34. I further find that repair or demolition are the appropriate remedies for the Property based on the standards enumerated in Ordinance 6-72, Subsections 107.3(2), the structure is in such a condition as to make it dangerous to the health, safety or general welfare of its occupants or any other person.
35. I believe repair or demolition are the appropriate remedies for the following:
 - a. The property is vacant;
 - b. The Property is not in a condition to be occupied;
 - c. Unoccupied and in its present condition, the Property will remain a nuisance and detrimental to the residents of the city; and
 - d. Despite notice, no action has been taken by any party with an interest in the Property to remedy any of the existing conditions.

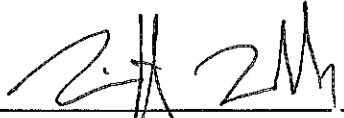
36. In addition, Ordinance 6-72, Subsection 107.9 provides additional remedies, including authority for the City to conduct the demolition if the work required by this order is not completed and to impose a special tax bill if those costs are not paid.

Order

Pursuant to Ordinance 6-71, Subsection and 107.3, I order the building on the Property either be repaired and brought into compliance with the Columbia Code of Ordinances or demolished and all debris removed in order to assure the Property is returned to a sanitary condition. Grading and filling shall be conducted to the extent needed to assure that the property has no hazards. The work shall commence within 30 days of the date of this notice. All demolition and removal shall be completed within 60 days of the date of this notice.

I order the Department of Community Development staff to mail a copy of this decision to the property owner, Wolfe Owned Properties, LLC, as well as UMB Bank and to post a copy of this order upon the Property.

Pursuant to Ordinance 6-72, Subsection 107.9, if repairs or demolition and removal are not done within the time stated above, and if no appeal of this order is pending, I will certify those facts to the City Council for the purpose of seeking authority for the City to conduct the demolition and other work required by this order and to seek reimbursement or a special tax bill as provided in that section. If so authorized by the City Council, the City may take the actions described in Ordinance 6-72, Subsection 107.9. This is not a waiver of other rights of the City, including rights granted by Ordinance 6-72, Subsections 107.10 and 107.11.

 November 8, 2022
Timothy Teddy
Director of Community Development
City of Columbia, Missouri

Notice of Appeal Rights

An aggrieved party may appeal to the Circuit Court pursuant to the procedures established in Chapter 536, Revised Statutes of Missouri.