

CONDEMNATION OF STRUCTURES PROCEDURAL

STEP ONE: Code Enforcement Officer (CEO) investigates a complaint and determines if conditions present a code violation of the City's Housing Code, (CEO) completes inspection report and takes photos of code violations.

STEP TWO: CEO determines property ownership and legal description from County records, CEO verifies ownership from both assessors and collectors office and opens case file, assigns unit number AND completes street card. CEO sends letter and inspection report to owner.
(REF. Sec. 3 of City Code)

STEP THREE: CEO authorizes requisition for title search to determine all owners and mortgage holders and complete legal description.

STEP FOUR: Staff provides owner and/or others with vested interest (Mortgager, Trustee, etc.) a twenty (20) day pre-notification letter advising of intent to present property to CITY COUNCIL for condemnation consideration. CEO posts sign on structure indicating same. CEO takes picture of posting. (REF. Sec. 3 of City Code)

STEP FIVE: Staff prepares Photos of Structure, Vicinity Maps, Condemnation Resolution, Pre Condemnation Notice, and Inspection Report and files in City Clerk's office on Thursday 10:00 A.M., prior to Monday's City Council's meeting.

STEP SIX : City Council adopts Condemnation Resolution.

STEP SEVEN: Staff files Notice of Condemnation with Circuit Clerk and obtain demo bids pursuant to existing city purchasing procedures.

STEP EIGHT: Staff sends owner and or others with vested interest a copy of passed resolution, and notice stating owner has 30 days to repair, demolish or, with CEO approval, board and secure

structure. CEO posts structure with same. (REF. Sec. 5 of City Code)

STEP NINE: Staff notifies appropriate utility companies of address of condemned structures so they may check and/or discontinue utility service(s).

STEP TEN: If property is not cleared and case resolved by owner, Staff delivers copy of case file and title search results to City Attorney.

STEP ELEVEN: City Attorney reviews files and issues written opinion that all paperwork is procedurally correct or identifies deficiencies, within seven working days, barring an emergency circumstance.

STEP TWELVE : CEO determines if asbestos compliance survey be performed.

STEP THIRTEEN: CEO issues a proceed order to demolition contractor.

STEP FOURTEEN :CEO prepares cost statement and forwards to Finance Department for billing (REF. Sec. 10 of City Code)

Costs should include:

- * mailing fees
- * publication fees
- * document copying (\$.30 per page)
- * demolition fee
- * asbestos testing fees
- * asbestos removal fees
- * title search fees
- * landfill tipping fees
- * photograph costs
- * attorney fees
- *any documented miscellaneous costs

STEP FIFTEEN :

After CEO'S approval, STAFF files Property Lien and Release of Notice of Condemnation at circuit clerk's office. If not, follow Steps 18-24. (REF. Sec. 11 of City Code)

STEP SIXTEEN:

CITY COLLECTOR establishes an accounts receivable account and bills owner twice requesting payment within ten (10) days If payment is not received or arrangements made, Collector notifies CEO of non-payment and monitors collection progress thereafter. If amount is paid, CEO files Lien Release at *circuit clerk's* office.

STEP SEVENTEEN:

After consultation with City Attorney, CEO determines best procedure for lien collection based on circumstances regarding each case. (REF. Sec. 11 of City Code)

- a. File action in Chancery Court (case referred to City Attorney for action, or
- b. Staff files property lien with Circuit Clerk, or
- c. Staff proceeds with tax lien procedure.

STEP EIGHTEEN:

With CEO's approval, Staff gives notice of lien hearing as follows:

- a. If owner known-- 30-day written notice by certified, registered mail to subject property owner(s) and others, if applicable, that the Board of Directors will hold a hearing (date specified) to determine the amount of lien to be placed on subject property plus a 10 percent (10%) collection penalty.
- b. If owner not known -- notice of lien hearing published once a week for four (4) consecutive weeks in the largest newspaper of general circulation in Craighead County.

STEP NINETEEN:

Staff prepares resolution establishing amount of lien, plus 10 percent (10%) collection penalty for presentation to the City Council at their next regular meeting following expiration of notice (Step 23).

STEP TWENTY:

City Council hold a lien hearing and adopts lien resolution.

STEP TWENTY ONE:

CEO files copy of lien resolution with County Tax Collector for attachment to subject property real estate tax billing.

STEP TWENTY TWO:

County Tax Collector's office adds lien to subject property tax bill, collects lien, and remits lien amount to City, less three percent (3%) collection fee. Finance department notifies CEO of lien

collection.

STEP TWENTY-THREE:

CEO executes and files with Circuit Clerk a Release of Lien and case file is closed.

NOTE: The CEO shall maintain the complete case file containing all documentation related to each parcel and monitors procedure to ensure compliance at each step.