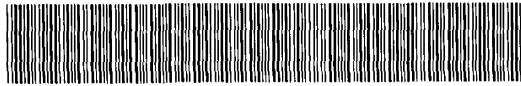


CITY 2011035884



APR 26 2011 08:29 P 15

B City No Fee 01.60000 See attached  
15 BNE 21.15.13 GMB COMP  
12 DEL SCAN FY

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
4/26/2011 08:29:59.23



2011035884

THIS PAGE INCLUDED FOR INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT

Return To: **City of Omaha**  
**Planning Department**  
**Code Enforcement**  
**1819 Farnam St, Rm. 1003**  
**Omaha, NE 68183**

Check Number  
\_\_\_\_\_



City of Omaha  
Jim Suttle, Mayor

**Planning Department**

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 1003  
Omaha, Nebraska 68183  
(402) 444-5150  
Telefax (402) 546-0714

**R. E. Cunningham, RA, F.SAME**  
Director

**NOTICE OF VIOLATION**

March 18, 2011

ND 24 TURNER PARK LOFTS LLC  
C/O Troy Strawhecker  
1045 76 St., Suite 2000  
West Des Moines, IA 50266

Parcel No.: 0379000423  
Legal Description: See Exhibit A

This notice concerns the Property at: **3001 DOUGLAS ST FKA 3000 1/2 FARNAM ST Commercial Building Entire Structure.**

The Property is in violation of the Omaha Municipal Code. The violations currently known to exist on this Property are listed in the attached Violations List.

You are ordered to repair or cure the said violations by April 17, 2011. A follow-up inspection, to determine whether the violations have been repaired or cured and whether the Property can thereby be released, will be scheduled on or shortly after that date, or sooner if you so request.

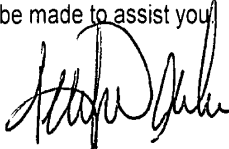
This vacant Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. You are ordered to close the Property and to take measures necessary to prevent occupancy of it within 30 days. Occupancy of the property is prohibited. Of course, if all violations making this property unsafe, unfit or unlawful are repaired or cured by the above date, the property can then be opened and occupied.

While the necessity of City permits to conduct the necessary work will depend on the method of repair chosen by the Property owner, it presently appears that the following types of permits will have to be obtained from the City to perform the necessary work: **Building, Electrical, Plumbing, Mechanical, Wreck Permit**

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$100.00 filing fee with the office of the City Permits and Inspections Division, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite 1100, Omaha, Nebraska, within 20 days of the date of this notice (add an additional three business days if this notice was sent by regular mail). The appeal application shall state all grounds for objection to this notice.

If you desire clarification of this notice or of any of the violations listed, please call the undersigned between the hours of 8:00 a.m. and 9:30 a.m. and arrangements will be made to assist you.

Sincerely,  
  
Roger Carroll  
Code Inspector, 402-444-5382

  
Kevin J. Denker  
Chief Code Inspector

C: D & S Realty Inc, 5709 F St., Omaha, NE 68117  
Jason D. Abboud, 5709 F St., Omaha, NE 68117  
Fidelity National Title Ins. Co. c/o Nebraska Title Co., PO Box 6169, Lincoln, NE 68506  
Central State Bank 109 W. Main St. PO Box 548. State Center. IA 50247

**The City of Omaha Planning Department  
Housing Division**

**Permits and Code Requirements**

for property address: 3001 DOUGLAS ST FKA 3000 1/2 FARNAM ST

Structure Type: Commercial Building-Entire Structure

March 18, 2011

**The following permits are required for the primary structure:**

A Building permit is required for the amount of \$150,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

General Repair	Window Replacement	Interior Inspection.
Fire	Soffits, Gutters, etc.	Requested for the following reason(s) :
Reroof	Kitchen Remodel	
Remove Existing Roof	Bath Remodel	
Reside	<u>Y</u> Plans required	
Remove existing siding	Fence	
Basement Finish	Decks/Porches	
Retaining Wall	Fire Escape	

Separate Permits required for the following:

Y Electrical   Y Plumbing   Y Mechanical   Y Wreck

**Special Code Requirements:**

**Electrical Requirements -**

Under 121-142. Chapter 44. Bring electrical service up to code. A licensed, bonded, electrical contractor is required to make repairs. A City of Omaha electrical permit and an inspection by the City Electrical Inspector is required for conformance.

**Plumbing Requirements-**

Under 131-135. Chapter 49. Bring plumbing service up to code. A licensed, bonded, plumbing contractor is required to make repairs. A City of Omaha plumbing permit and an inspection by the City Plumbing Inspector is required for conformance.

**HVAC Requirements-**

Under 111-116. Chapter 40. Replacement of a forced air furnace shall be done by a licensed, bonded, H.V.A.C. contractor. A City of Omaha H.V.A.C. permit and an inspection by the City H.V.A.C. Inspector is required for conformance.

**Wreck Requirements-**

A wreck permit shall be required before the removal of a structure. For more information call 444-5371 and ask for a brochure to be mailed.

**Engineer Review:**

Registered Engineer's drawing and stamp required.

Other requirements: Wreck permit required for unrepaired 10 story building and parking lot.

Building permit if repair elected. full set of plans required. Structural review required by engineer licensed and bonded in Omaha.

3001 DOUGLAS ST

## Violations List

March 18, 2011

ND 24 TURNER PARK LOFTS LLC  
1045 76 St., Suite 2000  
West Des Moines, IA 50266

Re: 3001 DOUGLAS ST FKA 3000 1/2 FARNAM ST  
Inspected by: Roger Carroll  
Structure Type: Commercial Building

Violations and corrective action:

### Owner Violation List items

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p><b>040-106. Permit required.</b> The installation, alteration, repair or replacement of any air conditioning/air distribution system or exhaust system shall not be undertaken within the jurisdiction of the city without a permit issued by the permits and inspections division prior to said installation.</p>	<p>. All mechanical repairs and alterations must be made by a mechanical contractor, licensed and bonded by the City of Omaha &amp; requires permits and inspections. Mechanical plan to be part of building plan for review</p>	<p>Yes</p>
<p><b>043-101. Generally.</b> All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have special inspection as specified in the building code as adopted by this jurisdiction.</p> <p>Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the building code, this Code or other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the building code, this Code or other ordinances of the jurisdiction shall not be valid.</p> <p>It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.</p> <p>A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. (Ord. No 33582, SS 1(43-101), 6-27-95)</p>	<p>. Construction work shall remain accessible &amp; exposed for inspections until approved.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>043-71. Required.</b> Except as specified in section 43-72 of this Code, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)	. Building permit required if repair is chosen. A full set of redevelopment plans, three (3) copies, are required for permit application and plan review. Including for egress stair replacement.	Yes	
<b>044-121. Permit required..</b> Before proceeding to install, alter, repair, relocate, affix or suspend any electrical wiring, or to install or connect any equipment or apparatus which requires electrical wiring to be installed, affixed or suspended to make the same operable, for either interior or exterior wiring, a permit shall be obtained by an electrical contractor or a master electrician from the electrical official at the permits and inspections division.	. Electrical plans to be part of building plan. Full set of electrical plans required.	Yes	
<b>048-15. Workmanship.</b> Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.	. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.		
<b>048-25. Fees.</b> The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be as indicated in the following schedule:  Reinspection, charged once for each notice per dwelling unit \$41.00	. Owner. Fee shall apply.		
<b>048-33a. Inspections.</b> The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.	. Code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies.		
<b>048-33b. Inspections.</b> The code official shall make a good faith effort to communicate with the owner of a property or his or her authorized agent, in person or by telephone (or by electronic mail, if requested by the owner), prior to inspecting or reinspecting a building or structure; provided, that this duty shall take effect only if the owner or agent has first supplied the City Housing Division with the following: (1) the owner's name; (2) the owner's current address; (3) the owner's current phone number or electronic mail address that can be contacted for purposes of this section; and (4) a statement that the owner owns the property at issue.	. Per statement of ownership and provision of current phone number, a good faith effort will be made to communicate with owner prior to inspection or reinspection of a property. An interior inspection of the entire deteriorated building is requested within ten (10) days of the date of this notice of violation.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<p><b>048-43. Required testing.</b> Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.</p> <p>a) Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official or building board of review shall determine the testing procedures.</p> <p>b) Testing agency. All tests shall be performed by an approved agency.</p> <p>c) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.</p>	<p>. A stamped architect's report or a review is required by a State of Nebraska registered architect and report given to inspector of repairs required to bring this structure to use comply with the current zoning code</p>	Yes	
<p><b>048-43. Required testing.</b> Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.</p> <p>a) Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official or building board of review shall determine the testing procedures.</p> <p>b) Testing agency. All tests shall be performed by an approved agency.</p> <p>c) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.</p>	<p>. A stamped engineers report or a structural review is required by a State of Nebraska registered structural engineer and report given to inspector.</p>	Yes	
<p><b>048-54. Violation penalties.</b> Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.</p>	<p>. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or locals laws. Building and parking structure must be repaired, or removed or sold.</p>	Yes	
<p><b>048-61. Notice to owner or to person or persons responsible.</b> Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in sections 48-62 and 48-63. Not more than one notice of violations shall be issued for the same violation. Notices for procedures declaring property unsafe or unfit for human occupancy shall also comply with Division 8.</p>	<p>. Owner or person responsible</p>		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<p><b>048-63. Method of service.</b> Such notice shall be deemed to be properly served if a copy thereof is:</p> <p>a) delivered personally;</p> <p>b) sent by certified or first-class mail addressed to the last-known address; or</p> <p>c) if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.</p>	<p>. Sent by first-class mail addressed to the last-known address.</p>		
<p><b>048-65. Transfer of ownership.</b> If the ownership of a property subject to a pending notice or order under this code is to be transferred, the transferring owner shall report to the city housing division the impending transfer of the property and the name and address of the transferee, at least seven (7) days prior to the transfer.</p>	<p>. Written notice of pending transfer of ownership must be made to the office of the planning department within seven (7) days prior to transfer of deed.</p>		
<p><b>048-71a. General.</b> When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.</p> <p>a. <b>Unsafe Structure.</b> An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.</p>	<p>. Deteriorated parking level structure below grade is dangerous, beams are rotted. Collapse is possible.</p>	Yes	
<p><b>048-71b. General.</b> When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.</p> <p>b) <b>Unsafe equipment.</b> Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.</p>	<p>. Building is unsafe or unfit. Electrical system is dangerous.</p>	Yes	
<p><b>048-73. Notice.</b> Whenever the code official has declared a structure or equipment unsafe or unfit under the provisions of this Division, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 48-63. If the notice pertains to equipment, it shall also be placed on the equipment. The notice shall be in the form prescribed in Section 48-62.</p>	<p>. Notice shall be posted or served upon the owner or the person or persons responsible that a structure or equipment is unsafe.</p>	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>048-74. Placarding.</b> Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard reading "Danger - Closed" or similar language, and a statement of the penalties provided for occupying the premises, operating the equipment, removing the placard, or failing to close the premises or keep the premises closed.	. Vacant, open building has been posted "Danger Closed".	Yes	
<b>048-75. Prohibited occupancy.</b> It shall be unlawful for any person to occupy a placarded premises or to operate placarded equipment, and for any owner or any person responsible for the premises to let anyone occupy a placarded premises or operate placarded equipment. Such persons shall be subject to the penalties set out in section 1-10 of this Code.	. Occupancy is prohibited until all required permits have been obtained, all repairs have been completed, all final inspections have been completed.	Yes	
<b>048-76. Removal of placard.</b> The code official shall remove the placard whenever the defect or defects upon which the placard was based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this Code.	. Danger-closed sign shall not be removed until directed by the City of Omaha.	Yes	
<b>048-77. Filing with Register of Deeds.</b> If a notice declaring a property unsafe or unfit for human occupancy is unsuccessfully appealed or if the time for such appeal has passed without the filing of such appeal, then the code official may file the said notice against the property with the Register of Deeds. Upon correction of the relevant violations, the code official shall file a release of the notice with the Register of Deeds, without cost to the owner.	. Structure determined to be unfit/unsafe.	Yes	
<b>048-81. Imminent danger.</b> When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited By The Code Official", or similar language. It shall be unlawful for any person to enter or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.	. Deteriorated water-damaged building. Building is dangerous and must remain vacant until all repairs are completed and final inspections are completed.	Yes	



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>048-91. General.</b> The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.	. This vacant 10 (ten) story structure and surrounding parking lot are to be removed and demolished within thirty (30) days of the date of this Notice of Violation. Termite and asbestos inspections are required to issue the wreck permit.	Yes	
<b>048-93. Failure to comply.</b> If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons. The cost of such demolition and removal may be assessed as a lien against the real estate upon which the structure is located, and may be collected from the owner pursuant to civil action, as provided by law.	. The code official shall cause the structure to be demolished if the owner fails to demolish the premises.	Yes	
<b>048-93. Failure to comply.</b> If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons. The cost of such demolition and removal may be assessed as a lien against the real estate upon which the structure is located, and may be collected from the owner pursuant to civil action, as provided by law.	. You are directed to remove the deteriorated 10 story building and surrounding parking structure in compliance with 048-91 of the Omaha Municipal Code. If the owner or person in control fails or refused to remove the above described nuisance the code enforcement official or designated representative may remove it at the expense of the property owner.	Yes	
<b>049-300. Required.</b> It shall be unlawful for any person to begin any job of plumbing until a license holder has secured from the permits and inspections division a permit to do such work; provided that no permit will be required for minor repair work as defined in sections 49-400 and 49-303.	. Plumbing permits and inspections are required. A plumbing contractor, that is licensed and bonded by the City of Omaha, must make all plumbing repairs. Plumbing plan to be part of building plan for review	Yes	
<b>301.1. Scope.</b> The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.	. The conditions in this notice are minimum conditions.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>301.2. Responsibility.</b> The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.	. Owner/occupant. Entire structure. Owner shall not occupy or permit another to occupy any structure or exterior property not in compliance.	Yes	
<b>301.3. Vacant structures and land.</b> All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.	. Owner and / or person(s) responsible. Entire structure. Vacant building is open, unsecured, insanitary, is a blighting problem and an adverse effect on public health and safety.	Yes	
<b>301.3. Vacant structures and land.</b> All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.	. Open, vandalized and vacant structure must be secure within 24 hours of this notice and be maintained secure until the property is repaired and action is released, or the building is demolished. All openings, including windows and doors.	Yes	
<b>302.7. Accessory structures.</b> All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in good repair.	. Deteriorated parking level structure below grade is dangerous, beams are rotted. Collapse is possible.	Yes	
<b>304.1. General.</b> The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	. Owner. Exterior of the structure is in disrepair, unsanitary and is a blighting influence on the neighborhood.	Yes	
<b>304.13. Window, skylight and door frames.</b> Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	. Deteriorated missing windows, sashes, trim. Peeling paint, broken thermopane windows at 8th story. Broken. boarded lobby windows at the 3001 Douglas entry foyer.	Yes	
<b>304.15. Doors.</b> All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.	. Broken open unsecured prime egress doors. Including boarded parking level egress doors.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>304.15. Doors.</b> All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.	. Broken east door at parking level egress door. At surface level.	Yes	
<b>304.4. Structural members.</b> All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	. Below ground parking level ceiling double channel steel beam, six (6) beams are deteriorated, water -damaged, rotted, rusted and dangerous. These beams must be removed and replaced or repaired with engineered drawings and letter of final acceptance by engineer.	Yes	
<b>304.6. Exterior walls.</b> All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	. Deteriorated ceiling pads at the surface level parking.	Yes	
<b>305.1. General.</b> The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	. Owner. Unsanitary throughout structure. Soiled, rotted, ceiling, walls, floors, and carpets. Window and door moldings abraded and soiled. All trash and rubbish to be removed within ten days of the date of this notice of violation.	Yes	
<b>305.1. General.</b> The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	. Owner. Interior of the structure is in disrepair and unsanitary.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<p><b>306.1. General.</b> Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.</p> <p>Exception: Guards shall not be required where exempted by the adopted building code.</p>	. Broken egress ways, including stair handrails.	Yes	
<p><b>307.1. Accumulation of rubbish or garbage.</b> All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.</p>	. Unsanitary conditions including rubbish and garbage at the exterior premises, including litter obstructed east and west egress stairwells. Including broken broken handrails, paper litter, leaf rubbish.	Yes	
<p><b>501.1. Scope.</b> The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.</p>	. Owner. Plumbing conditions of this code are minimum conditions of occupancy.	Yes	
<p><b>501.2. Responsibility.</b> The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.</p>	. Owner. The owner of the structure shall provide and maintain plumbing facilities and fixtures in compliance.	Yes	
<p><b>502.1. Dwelling units.</b> Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.</p>	. All plumbing must comply with the current code.	Yes	
<p><b>601.1. Scope.</b> The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.</p>	. Owner. Owner. Electrical and mechanical conditions of this code are minimum conditions of occupancy.		
<p><b>602.1. Facilities required.</b> Heating facilities shall be provided in structures as required by this section.</p>	. Heating system must meet the mechanical code.	Yes	
<p><b>604.1. Facilities required.</b> Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.</p>	. Electrical system is not in compliance with the code.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	. Exposed electrical conductors, including at rotted parking level electrical panel. Panel is loose and hanging by wires. This is dangerous. An emergency power cut is requested.	Yes	
<b>606.1. General.</b> Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.	. Nonfunctioning elevator. Elevators to comply with the code.	Yes	
<b>701.1. Scope.</b> The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.	. Owner. The conditions of this code are minimum conditions of fire safety for occupancy.	Yes	
<b>701.2. Responsibility.</b> The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.	. The owner of the structure shall provide and maintain fire safety facilities and equipment in compliance with the code.	Yes	
<b>702.3. Locked doors.</b> All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.	. Illegally locked doors. at the east and west egress door from the lower parking level.	Yes	
<b>704.1. Smoke detectors.</b> Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.	. All fire protection systems and devices shall be maintained in operable condition. Including smoke alarms, power sources and interconnections.	Yes	



City of Omaha  
Jim Suttle, Mayor

### DEMOLITION ORDER

March 18, 2011

### Planning Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 1003  
Omaha, Nebraska 68183  
(402) 444-5150  
Telefax (402) 546-0714

R. E. Cunningham, RA, F.S.A.M.E.  
Director

ND 24 TURNER PARK LOFTS LLC  
C/O Troy Strawhecker  
1045 76 St., Suite 2000  
West Des Moines, IA 50266

This notice concerns the Commercial Building on the Property at **3001 DOUGLAS ST FKA 3000 1/2 FARNAM ST.**

The said structure is in violation of the Omaha Municipal Code. The violations currently known to exist on this Property are listed in the attached Violations List.

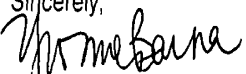
You are ordered to demolish and remove the said structure by April 17, 2011.

If you fail to comply with this order by the above date, then the City will demolish and remove the said structure. In such case, the cost of such demolition and removal may be assessed as a lien against the Property, and may be collected from the owner in a civil action.

While the necessity of City permits to conduct the necessary work will depend on the method of repair chosen by the Property owner, it presently appears that the following types of permits will have to be obtained from the City to perform the necessary work: **Building, , Electrical, Plumbing, Mechanical, Wreck Permit.**

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$100.00 filing fee with the office of the City Permits and Inspections Division, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite 1100, Omaha, Nebraska, within 20 days of the date of this notice (add an additional three business days if this notice was sent by regular mail). The appeal application shall state all grounds for objection to this notice.

If you desire clarification of this notice or of any of the violations listed, please call the undersigned between the hours of 8:00 a.m. and 9:30 a.m. and arrangements will be made to assist you.

Sincerely,  
  
for Roger Carroll  
Code Inspector, 444-5382

  
Kevin J. Denker  
Chief Code Inspector

C: D& S Realty Inc, 5709 F St., Omaha, NE 68117  
Jason D. Abboud, 5709 F St., Omaha, NE 68117  
Fidelity National Title Ins. Co. c/o Nebraska Title Co., PO Box 6169, Lincoln, NE 68506  
Central State Bank, 109 W. Main St., PO Box 548, State Center, IA 50247

## Exhibit "A"

## Parcel 1:

Lots Eight (8), Nine (9) and Ten (10), Block One (1), in Summit Place, an Addition to the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska, EXCEPT those portions thereof described as Apartment Units No. P1 to P51, both inclusive all in Twin Towers Condominium, a condominium property regime organized under the laws of the State of Nebraska, in the City of Omaha, in Douglas County, Nebraska, pursuant to Master Deed dated December 27, 1983, filed December 30, 1983, in Book 1721 at Page 280 of the Deed Records of Douglas County, Nebraska, as amended by Amendment to Master Deed filed July 18, 1984, in Book 714 at Page 377; and by Amendment to Master Deed filed January 6, 1986, in Book 762 at Page 260, and by Amendment to Master Deed dated May 18, 1988, filed May 27, 1988 in Book 850 at Page 223 and Amendment to Master Deed filed February 22, 1989, in Book 878 at Page 290, all of the Miscellaneous Records of Douglas County, Nebraska, and Amendment to Master Deed filed July 7, 1993, in Book 1954 at Page 532 of the Deed Records of Douglas County, Nebraska.

16-37400

16-37400

## Parcel 2:

Lots Two (2), Three (3), Four (4), Five (5), Six (6), Nine (9), and Ten (10) and the South 75 feet of Lot Eleven (11), all in Block Four (4), In Bogg's and Hill's Second Addition, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska;

16-04020

## Parcel 3:

That part of Tax Lot 4 in the Southwest Quarter of the Northeast Quarter (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section 21, Township 15 North, Range 13 East of the 6<sup>th</sup> P.M. , in the City of Omaha, in Douglas County, Nebraska, which lies between the North line of Farnam Street and the South line of Lot Nine(9), in Block Four (4), in Bogg's and Hill's Second Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

01-60000