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2006089390

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*F* *City*  
FEE NO Fee FB 01-60000  
*14* BKP 21-15-13 <sup>*or*</sup> C/O \_\_\_\_\_ COMP \_\_\_\_\_  
*1* DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Temp. 12.4.01

*Gary*

CITY OF OMAHA  
PLANNING DEPT.  
1819 Farnam St., Rm. **1003**  
Omaha, NE 68183



City of Omaha  
Mike Fahey, Mayor

## CODE ENFORCEMENT

### NOTICE OF VIOLATION

July 14, 2006

#### Planning Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 1003  
Omaha, Nebraska 68183  
(402) 444-5150  
Telefax (402) 444-6140

Steven N. Jensen, AICP  
Director

Legacy Group L.L.C. % Ryan J. Barry  
2629 Cornelia Street  
Bellevue, NE 68147

Legal Description: W 73' of N 132' of Sublot 1 of tax lot  
16 in Sec 21, Twp 15, Rge 13, Lands SE 1/4 NW 1/4

This notice concerns the Property at: **311 TURNER BD Apartment 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 September 12, 2006. 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 occupied Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. If any of those designated violations are not cured within the time period stated above, the Property will be placarded, and occupancy will be prohibited until the violations are cured and released.

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,**

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$30.00 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, 444-5382

Kevin J. Denker  
Chief Code Inspector

C: New Century Mtge Corp, 18400 Von Karman, Ste #1000, Irving, CA 92612  
CerescoBank, 130 W Elm, PO Box 36, Ceresco, NE 68017

**The City of Omaha Planning Department  
Housing Division  
Permits and Code Requirements  
for property address: 311 TURNER BD  
Structure Type: Apartment Building-Entire Structure  
July 14, 2006**

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

A Building permit is required for the amount of \$10,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

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

Separate Permits required for the following:

Y Electrical    Y Plumbing    Y Mechanical    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.

**Engineer Review:**

Registered Engineer's drawing and stamp required.

Other requirements: Open drain waste clean out at basement , plastic drain at basement. Front concrete porches and rear wood stair require structural review and permit for repair. Broken electrical. Non code furnace air conditioner.

311 TURNER BD

# Violations List

July 14, 2006

Legacy Group L.L.C. % Ryan J. Barry  
2629 Cornelia Street  
Bellevue, NE 68147

Re: 311 TURNER BD  
Inspected by: Roger Carroll  
Structure Type: Apartment 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>
<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)	. Structural permits are required. Rear porch landings, stairs, and guard rails lean and are hard to use. Safety to be verified by structural engineer with copy of written findings and plan for repair to be provided to the city.	
<b>048-13. Application of other codes.</b> Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City's Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code and Electrical Code, all as defined in this code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Chapter 55 of the Omaha Municipal Code.	. All city codes apply.	
<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 are to be made in a workmanlike manner.	
<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 are to be made in a workmanlike manner. Loose cables on exterior of the building, including cable, telephone are unworkmanlike installation and a blighting influence.	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>048-33 a. 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. Interior inspection of all units is requested within ten days of the date of this notice of violation. Including all areas of the building.		
<b>048-53. Prosecution of violation.</b> Any person failing to comply with a notice of violation or order served in accordance with this code shall be deemed guilty of a misdemeanor, as provided in Section 1-10 of the Omaha Municipal Code. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.	. Any person failing to comply with a notice shall be prosecuted.		
<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.	. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.		
<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.	. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.		
<b>048-71d. 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.	. Unsafe/Unfit. Sewer gas, methane, in basement from missing drain waste clean out plug.	Yes	
d. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.			
<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 or removing the placard.	. Upon failure to comply within the time given, structure shall be placarded.		
<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 liable for the penalties provided by this Code.	. Upon failure to comply within the time given, structure shall be vacated.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>302.1. Sanitation.</b> All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.	. Litter on exterior property and premises. Including newspaper, trash under front bushes. Trash on balconies. Car tires, beer cans,	Yes
<b>302.3. Sidewalks and driveways.</b> All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.	. Cracked and/or upheaved sidewalks. Broken sapling walk surface north of north basement egress stair.	Yes
<b>302.9. Defacement of property.</b> No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.  It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.	. Graffiti on main and accessory structure. Including "Surrenos" in blue over north stairwell. A blighting influence on the complex.	Yes
<b>302.9. Defacement of property.</b> No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.  It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.	Building Exterior. Graffiti on main and accessory structure. Including blue "Surrenos" writing at building exterior surface over north basement stair.	Yes
<b>303.10. Stairways, decks, porches and balconies.</b> Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	. Deteriorated rail at basement stair at north of structure. Rear basement stair handrail is not painted or sealed, is two feet short at top stair tread and at bottom, is more than 38 inches at the bottom end.	Yes
<b>303.10. Stairways, decks, porches and balconies.</b> Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	Building Exterior. Deteriorated front entry concrete stairs. Broken and split concrete tread surfaces	Yes
<b>303.10. Stairways, decks, porches and balconies.</b> Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	Building Exterior. Deteriorated west concrete balconies. All broken, split, spalled and missing concrete decking, all deteriorated unsecure metal deck guard rails. All peeling paint at concrete decks and metal rails.	Yes

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit</u> <u>Designation</u> <u>Repaired</u>
<b>303.12. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	. Wood guardrail at north basement stair has horizontal (ladder type) rails which do not meet code. Vertical type balusters are required. Submit a construction detail for rail and column attachment. Stair hand rail bracket is pulled loose from wall at the bottom.	Yes
<b>303.12. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	. Air conditioner condenser is blocking stairs at north east corner of the building	Yes
<b>303.13. Window, skylight and door frames.</b> Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Building Exterior. Deteriorated window sash, jambs, sills, and trim throughout. Peeling paint, missing window screens. Missing window putty glazing. Wood half round does not seal the window glass at the north window.	Yes
<b>303.13. Window, skylight and door frames.</b> Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Building Exterior. Deteriorated entry door. Peeling finish and exposed wood at deteriorated front prime entry door. At window and door frames, troughs, sash throughout the building including at front basement windows.	Yes
<b>303.13.1. Glazing.</b> All glazing materials shall be maintained free from cracks and holes.	Building Interior. Broken window glass and window sealant including at the front entry doors and windows.	Yes
<b>303.14. Insect screens.</b> During the period from May 1st to October 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.  Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.	. Deteriorated, torn, and missing screens on all sides. Broken storm window and storm door frames, short storm window frames, missing inserts.	Yes

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>303.15. 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.	Building Interior. Deteriorated front door and hardware. Including old locks which are no longer in use. Broken front door latch coverlets.	Yes
<b>303.2. Protective treatment.</b> All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	Building Exterior. Peeling paint on exterior surfaces. Including on brick and concrete surfaces. Including paint on window and door surfaces which is not scraped off. Sloppy paint is unworkmanlike and a blighting influence on the neighborhood.	Yes
<b>303.2. Protective treatment.</b> All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	. Peeling/missing paint back porch. Scrape peeling paint at rear porch and repaint including floors, rails.	
<b>303.3. Premises identification.</b> Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).		
<b>303.4. 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.	. Deteriorated structural concrete at west concrete balconies. Reinforcing steel is open to the weather. Deteriorated concrete balcony ends are a blight on the complex.	Yes



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Unfit Repaired</u>
<b>303.5. Foundation walls.</b> All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.	Basement. Deteriorated foundations wall(s). Foundation leaking, water pooled on floor.		
<b>303.6. 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.	Building Exterior. Deteriorated and/or missing masonry joints. Peeling paint at exterior surfaces including at concrete.	Yes	
<b>303.6. 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 and open masonry joints at exterior walls. Exterior brick are soiled by soot, grime, dirt, moss and paint spillage, paint over spray, and smeared cement repairs. Walls must be cleaned in a workmanlike manner and all cement smears and spilled paint .		
<b>303.6. 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 siding and trim. Including at window at basement stair where wood lap siding is missing, broken and unpainted.		
<b>303.7. Roofs and drainage.</b> The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	. Deteriorated gutters and down spouts. Peeling paint on downspouts, loose downspout at the south side.	Yes	
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Building Interior. Abraded finish on hall finishes including at broken plaster and paint, worn wood trim at walls, ceilings, floors.	Yes	
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Building Interior. Deteriorated wall(s) and ceiling(s). Ceiling is broken.		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Basement. Deteriorated walls, floors, and ceiling throughout. Peeling paint at basement walls, ceilings and finishes. Filth, trash and rubbish on basement floor.	Yes	

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<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>304.4. Stairs and walking surfaces.</b> Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	Building Interior. Soiled and torn floor covering throughout. Hall and stair carpet soiled with rotted and broken plaster and lath.	Yes
<b>304.5. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	Building Interior. Missing handrails and guards on steps. Including at basement stair.	Yes
<b>305.1. 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.	. Owner/Occupant. Rubbish and garbage throughout. All rubbish to be placed in covered containers for disposal including broken black metal hand rail laying on north side of front yard.	Yes
<b>305.1. 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.	Building Exterior. Owner/Occupant. Rubbish and garbage throughout. All exterior storage items at exterior premises including at west balconies. All unused pots, plastic, broken concrete, bicycles,	Yes
<b>305.1. 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.	Building Exterior. Owner Unsanitary conditions throughout. All garbage at common areas and exterior premises including glass wine bottles, broken concrete, broken metal rail on the front yard, car tires, paint buckets, whiskey bottles.	Yes
<b>402.2. Common halls and stairways.</b> Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.	. Insufficient lighting. Common area lights not on at halls, stairs, landings, entry.	Yes
<b>403.5. Clothes dryer exhaust.</b> Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.	Basement. Clothes dryer exhaust is not in accordance with manufacturer's instructions. No exhaust to the exterior.	