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MAR 22 2007 10:56 P 8

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
3/22/2007 10:56:38.11



2007031650

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



City of Omaha  
Mike Fahey, Mayor

## CODE ENFORCEMENT

### NOTICE OF VIOLATION

February 26, 2007

#### Planning Department

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

Steven N. Jensen, AICP  
Director

Legacy Group L.L.C. % Ryan J. Barry  
2629 Cornelia St.  
Omaha, NE 68147

Legal Description: W 7<sup>3</sup> 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: **3027 FARNAM ST 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 March 28, 2007. 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: **BuildingWreck 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 \$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

Midland Loan Services, 10851 Mastin, Ste 300, Overland Park, KS 66210, %Marta Reed, Master & Special Servicer 913-253-9621

Tanya M. Morrison, Blackwell Sanders Peper Martin LLP, 1620 Dodge St. Ste 2100, 68102

First Real Estate, Rob Stevens, 3510 Dodge St, 68116

Wells Fargo Bank, N.A., 1 Home Campus, Des Moines, IA 50328

**The City of Omaha Planning Department**  
**Housing Division**  
**Permits and Code Requirements**  
for property address: 3027 FARNAM ST  
Structure Type: Apartment Building-Entire Structure  
February 26, 2007

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

A Building permit is required for the amount of . 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	Plans required	
Remove existing siding	Fence	
Basement Finish	Decks/Porches	
Retaining Wall	Fire Escape	

Separate Permits required for the following:

Electrical      Plumbing      Mechanical      Y Wreck

**Special Code Requirements:**

**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.

Other requirements: Demolition permit 15 unit apartment building

3027 FARNAM ST

# Violations List

February 26, 2007

Legacy Group L.L.C. % Ryan J. Barry  
2629 Cornelia St.  
Omaha, NE 68147 Phone no. 706-4882

Re: 3027 FARNAM ST  
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>
<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>	
<p><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)</p>	<p>. Wreck permit is required for removal of this blighted structure. Other building permits subject to requirements of housing inspector and permits and inspections.</p>	<p>Yes</p>

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>048-101. Application for appeal.</b> Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the building board of review, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served or posted, as the case may be. If the decision, notice or order was served by first class mail, then three (3) business days shall be added to the time for appeal. Appealable issues shall include, but not be limited to, notices of violation, repair orders, placards, notices to vacate, closure orders, the results of inspections, orders to purchase permits or pay fees, and the denial of permits. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship. To the extent that there are any differences in the procedures for appeals to the board under this code and under Chapter 43, the procedures set forth in this code shall govern appeals occurring under this code.	. Owner. Any person directly affected by this notice shall have the right to appeal.	
<b>048-11. General.</b> The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Division 1. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern; provided, that nothing in this section shall be deemed to override the provisions set forth in section 48-12.	. Owner.	
<b>048-12 a. Maintenance.</b> Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.	. Owner.	
<b>048-12 b. Maintenance.</b> An applicable code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, an existing mechanical and plumbing system or other condition lawfully in existence at the time the applicable code was adopted, provided such continual use is not dangerous to life.	. Owner.	
<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.	

<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.	
<b>048-34. Right of entry.</b> The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.	. A complete interior inspection is requested of all units within ten days of the date of this notice of violation. Owner or person in control of the property to provide entry for inspection and secure the building following inspection.	
<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.	. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or local laws.	
<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>048-74. 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.	. Vacant, deteriorated, blighted building has been posted Danger. Closed.	
<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.	. Occupancy is prohibited until all required permits have been obtained, all repairs have been completed, all final inspections have been completed.	
<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.	. A complete set of building documents must be prepared by a licensed construction design professional, stamped with the architect and engineer's seal and submitted with building permit application for approval by the Plans Examiner.	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Unfit Repaired</u>
048-91. General. 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.	. Deteriorated unrepairs structure, a blighting influence on the neighborhood, is to be removed and demolished within 30 days of the date of this notice of violation. Required with wreck permit are termite and asbestos inspections, and proof of utility s	Yes	



City of Omaha  
Mike Fahey, Mayor

## DEMOLITION ORDER

February 26, 2007

### Planning Department

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

Steven N. Jensen, AICP  
Director

Legacy Group L.L.C. % Ryan J. Barry  
2629 Cornelia St.  
Omaha, NE 68147

This notice concerns the Apartment Building on the Property at **3027 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 March 28, 2007.

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, 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 \$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  
Midland Loan Services, 10851 Mastin, Ste 300, Overland Park, KS 66210, %Marta Reed, Master & Special Servicer 913-253-9621  
Tanya M. Morrison, Blackwell Sanders Peper Martin LLP, 1620 Dodge St. Ste 2100, 68102  
First Real Estate, Rob Stevens, 3510 Dodge St, 68116  
Wells Fargo Bank, N.A., 1 Home Campus, Des Moines, IA 50328