



CITY 2005145126



NOV 16 2005 10:30 P 7

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/16/2005 10:30:27.17



2005145126

**THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT**

City
7 FEE No Fee FB 10-40580
BKP _____ C/O _____ COMP SB
~~DEL~~ (13) DEL _____ SCAN _____ FV _____

Temp. 12.4.01

Gary

**CITY OF OMAHA
PLANNING DEPT.
1819 Farnam St., Rm. 1111
Omaha, NE 68183**



City of Omaha
Mike Fahey, Mayor

NOTICE OF VIOLATION
October 25, 2005

Planning Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 1100
Omaha, Nebraska 68183
(402) 444-5150
Telefax (402) 444-6140

Steven N. Jensen, AICP
Director

William L. Gayer
1804 N. 75th Ave.
Omaha, NE 68114

Legal Description: See attached legal

This notice concerns the Property at: **4371 NICHOLAS ST Commercial building Exterior.**

- 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 December 24, 2005. 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 60 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**

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,

Kevin Mulcahy
Code Inspector, 996-8491

Kevin J. Denker
Chief Code Inspector

C:

**The City of Omaha Planning Department
Housing Division
Permits and Code Requirements**
for property address: 4371 NICHOLAS ST
Structure Type: Commercial building
October 25, 2005

The following permit is required for the primary structure:

A Building permit is required for the amount of \$2,000.00. 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	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 Wreck

Violations List

October 25, 2005

William L. Gayer
1804 N. 75th Ave.
Omaha, NE 68114

Re: 4371 NICHOLAS ST
Inspected by: Kevin Mulcahy
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 Repaired</u>
043-71. Required. 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 Exterior. Owner.	
048-12 d. Maintenance. Alterations or repairs to an existing building or structure that are not structural and do not adversely affect any structural member or any part of the building or structure having a required fire resistance may be made with the same materials of which the building or structure is constructed.	Building Exterior. Owner.	
048-13. Application of other codes. 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.	Building Exterior. Owner.	
048-15. Workmanship. 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.	Building Exterior. Owner.	
048-16. Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or city as historic buildings or structures when such buildings or structures are judged by the code official to be safe and not dangerous to the public health, safety and welfare.	Building Exterior. Owner.	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
048-65. Transfer of ownership. 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.	Building Exterior. Owner.		
301.1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.	Building Exterior. Owner.		
301.2. Responsibility. 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.	Building Exterior. Owner.		
301.3. Vacant structures and land. 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.	Building Exterior. Owner.		
302.3. Sidewalks and driveways. 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.	Building Exterior. Dumpster on sidewalk.		
302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	Building Exterior. Overgrown lot to the west.		
303.1. General. 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.	Building Exterior. Broken window glass on all sides.	Yes	
303.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Building Exterior. Broken window glass entry door and garage door on the north side not weather tight.		
303.13.1. Glazing. All glazing materials shall be maintained free from cracks and holes.	Dwelling Exterior. All broken window glass - all sides.	Yes	
303.15. Doors. 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 Exterior. Deteriorated garage door a north and west side.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p>303.15. Doors. 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.</p>	<p>Building Exterior. Deteriorated entry door at north and west side.</p>	
<p>303.2. Protective treatment. 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.</p>	<p>Building Exterior. Peeling paint at all window and door wood trim.</p>	
<p>303.7. Roofs and drainage. 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.</p>	<p>Building Exterior. Damaged roofing on roof penthouses.</p>	

PARCEL A

BOOK 861 PAGE 54

LEGAL DESCRIPTION:

That part of the abandoned Missouri Pacific Railroad right-of-way running through Block 10, Walnut Hill, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Beginning at the NW corner of Lot 3 in said Block 10 said corner being on the West line of said abandoned railroad; thence East (assumed bearing) 128.75 feet on the North line of said Block 10 to the East line of said abandoned railroad; thence $S26^{\circ}13'11''W$ 184.75 feet on the East line of said abandoned railroad to the South line of the vacated alley running through said Block 10; thence $N89^{\circ}58'44''W$ 197.63 feet on the South line of said vacated alley to the NW corner of Lot 17 in said Block 10; thence $N00^{\circ}08'51''E$ 8.00 feet on the Northerly extension of the West line of said Lot 17 to the centerline of said vacated alley; thence $S89^{\circ}58'44''E$ 99.94 feet on the centerline of said vacated alley to a point on the Southerly extension of the West line of Lot 4 in said Block 10; thence $N00^{\circ}04'46''W$ 8.00 feet to the SW corner of said Lot 4; thence $N26^{\circ}48'47''E$ 111.72 feet to a point on the East line of said Lot 4 said point being 50.00 feet South of the NE corner of said Lot 4; thence $N00^{\circ}11'19''E$ 50.00 feet on the East line of said Lot 4 to the point of beginning.

Containing 18,716 square feet more or less.

Legal Description: All of Lots 5 thru 11, inclusive, Block 10, Walnut Hill, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, together with the North $\frac{1}{2}$ of the vacated alley adjoining said Lots 5 and 6 on the South, together with all of vacated alley adjoining said Lots 7 and 3 on the South, together with that part of Lot 4 in said Block 10, described as follows: Beginning at the S.W. corner of said Lot 4; thence Northerly 150.00 feet on the West line of said Lot to the N.W. corner of said Lot 4; thence Easterly 50.00 feet on the North line of said Lot to the N.E. corner of said Lot 4; thence Southerly 50.00 feet on the East line of said Lot 4; thence Southwesterly 111.30 feet to the point of beginning.

PARCEL B

* Lots 12 to and including Lot 18, Block 17, Walnut Hill* (28)

Legal Description (Property):

~~Lots 12 to and including Lot 18, Block 17, Walnut Hill, Douglas County, Nebraska~~

including all fixtures and equipment permanently attached to the Property.

EXHIBIT A