



City of Harrisonburg, Virginia

Office of the City Manager

409 South Main Street
Post Office Box 20031
Harrisonburg, VA 22802
(540) 432-7701 / FAX (540) 432-7778

G. Chris Brown
City Attorney

TO: Kurt Hodgen, City Manager
FROM: Wesley Russ, Assistant City Attorney
DATE: June 5, 2017
RE: Blighted Property Declaration at 226 Kelley St

Summary: Consider declaring the property located at 226 Kelley Street, Harrisonburg, Virginia, a blighted property and therefore a nuisance, and further authorize taking steps to abate the nuisance, including the razing of the structure.

Background: The property at 226 Kelley Street has been the subject of complaints for many years. At the City Council meeting on May 14, 2013, a similar ordinance was presented to declare the property a blighted property and authorize City staff to have the building razed. The relevant portion of the minutes from that meeting are attached.

Following that meeting, ownership of the property changed hands, and the City hoped that under new ownership, the property would be appropriately tended to and the nuisance would be abated. However, no maintenance appears to have been performed in the years since, and the structure on the property has become increasingly dilapidated. In addition to continued complaints regarding the building's deteriorating appearance, concerns have been raised with staff that the building, with its broken windows and unsecured doors, is being used for illicit activities.

After multiple attempts to reach the property owner failed, staff secured an administrative warrant to perform a building inspection. The resulting Notice of Unsafe Structure, containing photographs of the building, is attached.

By letter dated April 27, 2017, the owner of the property was notified of a preliminary finding that the property meets the definition of a blighted property. Although the owner did come in late May to meet with City staff, no spot blight abatement plan has been produced as required by Virginia law.

Given the length of time this property has been an issue – the minutes from the May 14, 2013 Council meeting indicate complaints date back to at least 2007 – staff request the property be declared a blighted property and request authorization to raze the structure. Per Virginia law, the cost of razing the structure will be filed as a lien on the property.

Key Issues: None.

Environmental Impact: None.

Fiscal Impact: The cost of demolition, including asbestos inspection and contractor mobilization, is expected to be between \$6,500 and \$9,500. Depending on the results of the asbestos inspection, there may be additional costs for asbestos abatement of anywhere from \$3,000 to \$25,000. The actual cost will be filed as a lien on the property.



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Prior Actions: A similar ordinance was discussed on May 14, 2013.

Alternatives:

- (a) Approve ordinance; or
- (b) Deny ordinance.

Community Engagement: N/A

Recommendation: Staff recommends approval of the ordinance.

Attachments:

- 1. Minutes from May 14, 2013 City Council meeting.
- 2. Notice of Unsafe Structure, sent on March 7, 2017.
- 3. Proposed ordinance.

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

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