

RESOLUTION #2013-110

A RESOLUTION DECLARING 10 SAINT ANNE STREET A PUBLIC NUISANCE
AND ORDERING DEMOLITION

WHEREAS, the City of Rapid City (“City”) has received numerous complaints regarding the condition of the premises at 10 Saint Anne Street, legally described as follows:

Lot 35-36, Block 6, South Park Subdivision, Section 12, Township 1N, Range 7E,
Black Hills Meridian, Rapid City, Pennington County, South Dakota

(the “Property”); and

WHEREAS, on or about March 2013, City staff were made aware of the abandoned and dilapidated state of the Property; and

WHEREAS, on or about April 2013, the City obtained consent to inspect from the owner of the Property; and

WHEREAS, on or about April 2013, the City performed a building inspection of the Property; and

WHEREAS, the inspection revealed substandard conditions, and the Property, due to its abandoned state, appeared to be a harbor for criminal activity, including continuing vandalism of the Property; and

WHEREAS, on or about April 2013, in order to prevent further nuisance activity thereon, the City boarded up and secured the Property; and

WHEREAS, on or about July 3, 2013, due to the continued substandard state of the Property, the City’s Building Official declared the Property to be abandoned, dilapidated, and not suitable for human habitation, and ordered that the owner of the Property demolish it; and

WHEREAS, the owner of the Property did not appeal the aforementioned demolition order; and

WHEREAS, as of November 2013, the owner of the Property has not made any effort to correct the deficiencies and repair the Property; and

WHEREAS, as of November 2013, the owner of the Property has not carried out the ordered demolition; and

WHEREAS, pursuant to SDCL § 9-29-13, “every municipality shall have the power to declare what shall constitute a nuisance and prevent, abate, and remove the same”; and

WHEREAS, the City’s Common Council finds the Property to be an immediate threat to the health, safety and welfare of the public; and

WHEREAS, the City's Common Council finds that it is in the best interest of the City to declare the Property to be a public nuisance; and

WHEREAS, the City's Common Council finds that any and all structures located upon the Property must be demolished in order to protect the health, safety and general welfare of the public; and

WHEREAS, on or about May 2012, the City passed Ordinance No. 5820, which adopted the 2009 International Property Maintenance Code ("IPMC"); and

WHEREAS, pursuant to IPMC § 110.3, when a property owner fails to comply with the Building Official's demolition order, the structure(s) shall "be demolished and removed, . . . and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate"; and

WHEREAS, pursuant to SDCL § 21-10-6, "a public nuisance may be abated without civil action by any public body or officer as authorized by law. Any municipality, county, or township may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. . . ."

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Property and any and all structures located thereupon are hereby declared a public nuisance.

BE IT FURTHER RESOLVED, by the City of Rapid City that the Property and any and all structures located thereupon shall be demolished as soon as possible.

BE IT FURTHER RESOLVED, by the City of Rapid City that the cost of said demolition and removal of the aforementioned public nuisance shall be taxed by special assessment against the Property.

BE IT FURTHER RESOLVED, by the City of Rapid City that this Resolution is necessary for the immediate preservation of the public peace, health, safety, and support of the municipal government and its existing public institutions, and that this Resolution takes effect from and after the 18th day of November, 2013.

DATED this _____ day of November, 2013.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)