

RAPID CITY, SOUTH DAKOTA 57701-2724

### **Building Inspection Division Code Enforcement** 300 Sixth Street 605-355-3465 • FAX 605-394-6636

### Memorandum

DATE:

January 4, 2001

TO:

Legal and Finance Committee

FROM:

Umit Spencer, Ordinance Officer

RE:

629 Silver Street

Property Owners: Jerry Lahr & Jennie Laht as Trustees of the **Black Hills Industries Trust** 

#### All below listed documents are enclosed.

- 27 October 1998 Code Enforcement received a written Substandard Complaint from the tenants at the time. Same day, the electrical-mechanical-plumbing and structural inspections were made.
- 28 October 1998 Certified Notice and Order to repair the house and to demolish the shed were sent to the Black Hills Industries according to owner records.
- Letters came back with ATTEMPTED NOT KNOWN stamps from the Post Office.
- 4 December 1998 copies of letters were re-sent to Mr. Robert Johnston with a cover letter.
- · Again, no answer was received. I have checked the owners' Colorado address. I was told there was no such place.
- 22 March 1999 another certified letter with inspection reports was sent to new owners, Lahr
- 9 June 1999 the Building Official filed Demolition Order with the CourtHouse.
- 8 August 1999, Mr. Robert Johnston sent us a letter asking for all the documents on this
- 15 December 2000, a demolition notice was sent to recorded owners, Lahr Trustees. A copy was also sent to Mr. Johnston.
- 28 December 2000, Mr. Johnston appealed the demolition Order as the managing director of the trust.

Thank You.

**Enclosures** 





Rapid City Code Enforcement

To Whom It May Concern:

Please send me the proper Appeals form or consider this to be an official notice of Appeal regarding the supposed demolition of the residence at 629 Silver St. R. C., S. D.

R.H. Johnston
Managing Dir. Black Hills Industries Trust

# DOCUMENTATION OF THE ACCEPTANCE OF APPOINTMENT



### First American Title Company of South Dakota

820 COLUMBUS STREET, RAPID CITY, SOUTH DAKOTA 57701-3541

P.O. Box 8181, Rapid City, SD 57709-8181

TELE: 605-348-4200 FAX: 605-341-6880

SAM BENNE President

#### OWNERSHIP AND ENCUMBRANCE REPORT

1. File No.: 00045939

- 2. For the exclusive use of : City of Rapid City Code Enforcement Attn: Umit Spencer
- 3. Effective date of this report: December 5, 2000 at 7:30 AM
- 4. The legal description searched is in the State of South Dakota, County of Pennington:

Lots 7 and 8 in Block 12 of Mallow's Addition to the City of Rapid City, Pennington County, South Dakota.

ADDRESS: 629 Silver Street, Rapid City, SD 57701

5. Apparent record owner(s):

Jerry Lahr & Jennie Lahr as Trustees of the Black Hills Industries Trust

- 6. The following unsatisfied mortgages or other security instruments and unreleased mechanics liens (except mechanics liens filed more than 6 years ago) appear against this land:
  - a. Mortgage executed by Black Hills Industries to Malibu Investments to secure an indebtedness of \$32,500.00 (thirty-two thousand and 00/100, as written out on instrument), dated July 20, 1998, recorded July 20, 1998, in Book 74, Page 36.
- 7. The following unreleased county liens, state liens, Federal liens and judgments appear against the apparent record owner(s) in the public records of said County for 10 years prior to the effective date of this report.
  - a. Notice to Public by the City of Rapid City, Building Inspection Division, that structure on subject property is found to be substandard and has been ordered demolished, as set forth in instrument recorded June 18, 1999, in Book 79, Page 4681.
- 8. The public tax records indicate the following real estate taxes and special assessments for this real estate are unpaid:
  - a. 1999 real estate tax in the amount of \$745.76, plus interest and costs, a lien, now due and payable. \_\_\_\_\_ The tax identification number is 25369.
  - b. Tax sale certificate #990612, for 1998 real estate tax in the amount of \$730.48, plus interest, advertising and costs.
- 9. This report is limited to only the information described in it. No representation is made as to the completeness, validity or legal sufficiency of any documents reported, nor have any documents been examined to determine whether or not there are any exceptions, reservations, encumbrances or other matters which might be detrimental to title.

	This report is not, nor is it to be construed as, an abstract of title opinion, policy of title insurance or commitment for title insurance.
11.	The total liability of First American Title Company of S.D. hereunder is limited to the amount paid for this report.
ъ.	TTTD TO 1 47 4000
	TED: December 15, 2000 st American Title Company of S.D.
B <sub>1</sub> ,	Mory Shields

photo symme



#### RAPID CITY, SOUTH DAKOTA 57701-2724

### Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

15 DECEMBER 2000 Jerry and Jennie Lahr P.O. Box 3921 Rapid City, SD 57709 DEMOLITION NOTICE

RE:

Property located at 629 Silver Street.

Dear Jerry and Jennie Lahr:

According to our records, as of today, no permits have been issued and/or no repairs have been completed concerning above listed substandard property. Since 28 October 1998, this property is in violation of the Uniform Housing Code and considered a dangerous building. During the last several years, property has changed hands and none of the property owners contacted this office except on 8 August 1999, Mr. R.H. Johnston, Managing Director, Black Hills Industries Trust requested the copies of the correspondence. Copies were sent to him and no other contact was made since then. A certified letter was sent to you last year and since you did not pick up the registered mail, we sent it with first class and it did not get returned. This letter will be mailed twice also, one registered and one first class, to make sure you are notified.

Bids are being sought for the demolition of the substandard building and the garage/shed. The deadline for bids is December 27, 2000.

Appeals to this order must be made to the Office of the Building Official, in writing, and within fifteen days of the issuance of the order at 300 6th Street, Rapid City, SD 57701. Failure to appeal will result in the waiver of all rights to an administrative hearing.

The cost to demolish and any additional administrative costs will be assessed to the owner.

Thank you for your prompt attention to this matter.

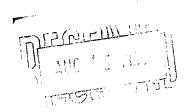
Ordinance Officer

Cc: Resident, 629 Silver Street Robert Johnston



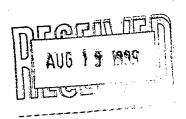


. Copies 9° 1 8-27 99



August 8,1999

Black Hills Industries Trust c/o Robert H. Johnston, Managing Director 3637 Canyon Lake Drive Rapid City, SD 57702



Dear Sir or Madam:

This is a formal request for copies of the following public records regarding the property on 629 Silver Street that are either: produced, generated, maintained, or required to be in the possession of the city of Rapid City persuant to South Dakota annotated §1-27-1:1-27-19.

This includes records or letters on file and any police reports or formal complaints lodged against the property on 629 Silver Street. This also includes formal actions by local zoning or planning and assessment boards or any that have been generated in in-office memos and letters.

You have previously sent ordinances regarding this property, but you did not send the enacting clause. Please provide the enacting clause in your response.

Sincerely

R. H. Johnston,

Managing Director, Black Hills Industries Trust





prepared by
CITY OF RAPID CITY
BUILDING INSPECTION DIVISION
CODE ENFORCEMENT

300 6th Street Rapid City, SD 57701 (605) 355-3465

NOTICE TO PUBLIC:

Uniform Code for the Abatement of Dangerous Buildings

DATE:

June 9, 1999

OWNER:

Robert Johnston

ADDRESS:

629 Silver Street

LEGAL DESCRIPTION:

Lots 788 of Block 12 in Mallow Addition City of Rapid

City, Penn. Co. SD.

ID # 25369

REASON:

Structure is found to be substandard and has been ordered to be demolished, per section 302 of the *Uniform Code for the Abatement of the Dangerous Buildings* as adopted by

the City of Rapid City.

Thomas P. Hawkinson, Building Official

(city seal)

State of South Dakota

SS. ACKNOWLEDGMENT

County of Pennington

On this the 9th day of June, 1999, before the undersigned officer, personally appeared Thomas P. Hawkinson, Building Official, City of Rapid City, Building Inspection Division, and he, being authorized so to do, executed the foregoing instrument or the purposes therein contained.

Notary Public

My Commission Expires 6-6-2005



RAPID CITY, SOUTH DAKOTA 57701-2724

#### Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

25 MAY 1999 Jerry and Jennie Lahr P.O. Box 3921 Rapid City, SD 57709

**RE:** Property located at 629 Silver Street.

Dear Jerry and Jennie Lahr:

As of today, no permits have been issued and/or no repairs have been completed concerning above listed substandard property. This building is in violation of the Uniform Housing Code and considered a dangerous building.

Bids will be sought for the demolition of the substandard building. The deadline for bids is 2 June 1999.

The cost to demolish and any additional administrative costs will be assessed to the owner.

Thank you for your prompt attention to this matter.

Umit Spender

Ordinance Officer







RAPID CITY, SOUTH DAKOTA 57701-2724

Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 22, 1999

Jerry and Jennie Lahr, Trustees PO BOX 9321 Rapid City, SD 57709

RE: Property located at 629 Silver Street, legally described as Lots 7-8 of Block 12 of Mallow Subdivision.

Dear Jerry and Jennie Lahr:

Enclosed are the copies of the correspondence concerning above listed substandard property. According to our information, you have purchased the property.

Please contact this office by or before March 31, 1999, with your schedule and plans to bring this property into compliance according to the enclosed Inspector reports.

Thank you for your prompt attention to this matter.

Sincerely

Ordinance Officer



#### RAPID CITY, SOUTH DAKOTA 57701-2724

### Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**December 4, 1998** 

Robert Johnston 3637 Canyon Lake Drive Rapid City, SD 57702

RE:

Property located on 629 Silver Street.

Dear Robert Johnston:

Enclose are the Notices which were sent to the owners of above address. Letters came back as ATTEMPTED NOT KNOWN. Since you sold this house last July, please let us know who the owner or responsible agent for this property.

If you do have any legal documents on this ownership, please contact this office.

luit Jellu

Ordinance Officer

cc: Stanton Fox, Assistant City Attorney





#### BASE PARCEL INFORMATION

Owner LAHR, TRUSTEES, JERRY & JENNIE T ID No 25369 PO BOX 9321 Addr PIN 20 35 284 024 City RAPID CITY SD 57709 LEGAL DESCRIPTION ----- City/Township RAPID CITY Acres: .160 blk 12 2N 07E sec 35 MALLOW LOT 7-8

> (Y/N)(Y/N)

Lot Address: 629 SILVER ST Annexed: / / / prev / Basin Code.....10 Zoning: curr Zoning setbacks: F=00 S=00 R=00 H=00 =00 AICUZ/Airport.... code Natl Registry of Historic Places code..... 3 mile limit?.... (Y/N) Util/Drainage Easements: F=00 S=00 R=00 =00 Private sewage?... (Y/N) Water source..... (C/W/P) Lock out changes to permits?.... (Y/N) St/Cny?.. Flood plain?.... code Flood insurance?.. eff permit req'd?.. (Y/N) Flood map no..... Owner phone ( ) Comments

#### BASE PARCEL INFORMATION

ID No 25369 Owner BLACK HILLS INDUSTRIES,
PIN 20 35 284 024 Addr 5023 W 120TH AVE
City BROOMFIELD CO 80020

LEGAL DESCRIPTION ------ City/Township RAPID CITY
2N 07E sec 35 MALLOW blk 12 Acres: .160
LOT 7-8

SILVER ST 629 Annexed: Lot Address: prev Basin Code.....10 Zoning: curr Zoning setbacks: F=00 S=00 R=00 H=00 =00 AICUZ/Airport.... code Natl Registry of Historic Places code..... 3 mile limit?.... (Y/N)Util/Drainage Easements: F=00 S=00 R=00 =00 Private sewage?... (Y/N)Water source..... (C/W/P)Lock out changes to permits?.... (Y/N)Flood plain?..... code St/Cny?.. Access Flood insurance?.. eff 0000 permit req'd?.. (Y/N) Flood map no..... Owner phone ( ) Comments

July 9 1998



RAPID CITY, SOUTH DAKOTA 57791-2724

### Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

October 28, 1998
Notice and Order
Uniform Code for the Abatement of Dangerous Buildings
Uniform Housing Code
Certified Mail
RETURN RECEIPT REQUESTED

Black Hills Industries C/O Property Manager 5023 W 120th Avenue Broomfield, CO 80020

RE: Property located at 629 Silver Street, legally described as Lots 7-8 of Block 12 of Mallow

Subdivision.

Dear Property Manager:

Due to complaints received, this office has completed inspections of the dwelling located at above address. These inspections revealed that below listed repairs must be completed to bring the dwelling in compliance with the Uniform Building Code and city ordinances.

1. Due to the substandard nature of the roof and the other structural members as described in the Uniform Code for the Abatement of Dangerous Buildings:

Section 302, paragraph 4: ... any portion thereof has been damaged .....

Section 302, paragraph 5: ....any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

Section 302, paragraph 8: Whenever the building or structure...is likely partially or completely collapse.

Section 302, paragraph 13: Whenever any building or structure ....in violation of Building Code or Housing Code......

#### 2. Uniform Housing Code:

Section 1001. 3 Structural Hazards

Section 1001.5 Hazardous Electrical wiring

Section 1001.6 Hazardous Plumbing

The building official has determined that the dwelling is substandard and must be repaired. During the required repairs, residents do not have to vacate the premises.

Another inspection will be made on November 27, 1998 to verify the repairs have started. All of the repairs must be completed by December 28, 1998. Copy of appeal sample and inspector reports are enclosed for your information.



Black Hills Industries C/O Property Manager 5023 W 120th Avenue Broomfield, CO 80020

Permits must be obtained prior to repairs, before commencing any work. All repairs must be carried out by licensed contractors. If code compliance is not achieved, the Building Official will order the work performed at the owner's expense.

A written appeal of this order may be made to the Office of the Building Official within thirty (30) days. Failure to appeal will result in the waiver of all rights to an administrative hearing.

Thank you for your prompt attention to this matter.

Sincerely,

Ordinance Officer

cc: Resident, 629 Silver Street.

Enclosure: Appeal sample

## INSPECTOR'S REPORT CITY OF RAPID CITY

300 SIXTH STREET RAPID CITY SD 57701

	(605) 394-4157	
PERMIT NUMBER ADDRESS 629 Schuler St OWNER 64 Inclust 22 es CONTRACTOR(S)	DATE 10-27-98 TIME	INSPECTION(S) NEEDED:  Electrical Excavation Plumbing Framing Mechanical Final
DESCRIPTION OF INSPECTION PREMISES USED FOR CORRECTIONS/COMMENTS:	SS w/ hunt	☐ Concrete ☐ JOB COMPLETE ☐ Other
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You are hereby notified to immediate service of this notice.	tely correct the conditions as stated above. Re-inspected	n will be conducted after days from date of
CUSTOMER COPY	MS INS	PECTOR DATE
	INSPECTOR'S REPORT CITY OF RAPID CITY 300 SIXTH STREET RAPID CITY SD 57701 (605) 394-4157	
PERMIT NUMBER ADDRESS 629 Sil wor Sil OWNER EXT Inclusive CONTRACTOR(S)  DESCRIPTION OF INSPECTION PREMISES USED FOR CORRECTIONS/COMMENTS:	DATE 10-27-98 TIME  SS cultivate	INSPECTION(S) NEEDED:  Electrical Excavation  Plumbing Framing  Mechanical Final  Concrete JOB COMPLETE  Other
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		,
You are hereby notified to immediate service of this notice.	tely correct the conditions as stated above. Re-inspection	n will be conducted after days from date of

CUSTOMER COPY

### INSPECTOR'S REPORT

### CITY OF RAPID CITY

300 SIXTH STREET RAPID CITY SD 57701 (605) 394-4157

•	(600) 394-4107		
PERMIT NUMBER ADDRESS 629 Silver st OWNER OH Woluntures CONTRACTOR(S)	DATE 10-27-98 TIME		S) NEEDED:  Excavation Framing Final
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Service of this notion.	Bul Ch	ule	10-28-48
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and the second s			
	NSPECTOR'S REPORT		
	CITY OF RAPID CITY		
300	SIXTH STREET RAPID CITY SD 5770 (605) 394-4157	1	,
PERMIT NUMBER ADDRESS 629 Silver Strown Stro	DATE 10-27-98 TIME	Plumbing	) NEEDED:    Excavation   Framing   Final   JOB COMPLETE
CORRECTIONS/COMMENTS: SS w/ W	ut		
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You are hereby notified to immediately correct the conservice of this notice.	iulions as stated above, no inspecti		
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CUSTOMER COPY



RAPID CITY, SOUTH DAKOTA 57701-2724

### Building Inspection Division Code Enforcement 300 Sixth Street 605-355-3465 • FAX 605-394-6636

NOTICE AND ORDER CERTIFIED MAIL RETURN RECEIPT REQUESTED

October 28, 1998

Black Hills Industries C/O Property Manager 5023 W 120th Avenue Broomfield, CO 80020

RE: Property located at 629 Silver Street, legally described as Lots 7-8 of Block 12 of Mallow

Subdivision.

Dear Property Manager:

Due to complaints, inspections were made of the substandard garage/shed located at above referenced property. The Building Official deemed the shed substandard according to Uniform Code for the Abatement of Dangerous Buildings, section 302;

paragraph 9: Unsafe structure paragraph 17: Public Nuisance

The building official has ordered that the structure be demolished by 30 November 1998.

Copy of appeal sample is enclosed. A demolition permit must be obtained prior to commencing the work.

An appeal of this order may be made to the Office of the Building Official within thirty (30) days. Failure to appeal will result in the waiver of all rights to an administrative hearing.

Thank you in advance for your cooperation.

Sincerely,

Ordinance Officer

cc: Resident, 629 Silver Street.



SUBSTANDARD COMPLAINT FORM

Commercial Property Address: 62	29 Silver	Residential		
Complainants:  Name: Arth  Address: 02  Phone: 3	nur + Delores 9 Silver St 5D 5770 42-7826	s.In(S		
Nature of Complaint:  DASMI  Problem, 1  M. WIMATUS  BUANN	Roof leaking nt leaking Nater leak St door oom sink	Bedroot Felectrica Funza M Sillias D Hot water	n Cellis al + Mech Dold + Mul nhoused nas to be	Halling Jews Hills Hurred C
DILOVES VI Signature of C	Complainant  Departn	10 - 2	7-98 Date	
Property Owner:	· · · · · · · · · · · · · · · · · · ·		Phone:	
Inspectors:				

Inspectors Reports Attached