



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Michael S. Booher, City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: mike.booher@rcgov.org

LF042804-13

MEMORANDUM

TO: Mayor Jim Shaw & Council Members

FROM: Michael S. Booher, Assistant City Attorney

DATE: April 21, 2004

RE: Options for 1122 Quincy Street House

The house located at 1122 Quincy Street is in serious disrepair. There is trash littered throughout the home, and a default judgment exists which prevents current occupancy of the premises. Neighbors complain of the unsightly condition, potential safety hazards, and that the house serves as a breeding ground for unwanted animals. During the March 31, 2004 Legal & Finance meeting, the Committee directed staff to come back with some options for potential City action.

1) Clean up of the home via abatement. The City can initiate an abatement of the premises and charge back the homeowners. Private contractor(s) can be hired to remove all items currently in the property and dispose of them in the City landfill or other appropriate disposal site.

It should be noted that the current owners have refused previous offers to clean up their home. In addition, it appears that these owners are either unwilling and/or unable to pay the abatement costs. Although these costs would run with the land as a tax assessment, payback to the City is not guaranteed.

2) Pursue demolition of the home. The City has been involved in other demolitions in the past, but in those cases the home was either abandoned or the owners consented to the

demolition. In order to achieve demolition, a substandard inspection would have to be completed

Memorandum - Page Two

April 21, 2004

by the City Building Inspection Department. Without the owner's consent to enter the home, an inspection warrant would need to be issued. In addition, this home is within the Historic District, and thus the Historic Preservation Board would need to approve demolition of the premises.

*Note that options (1) and (2) are not mutually exclusive. The City could pursue a clean up abatement and initiate the substandard inspection at that time.

3) Maintain the status quo. As mentioned above, a current court order prevents occupancy of the home. The current owners, presumably, do not want to sell the property. There is also reason to believe that such owners will not pay for any assessed abatement costs, leaving the City with the bill.

The policy question for the Council is whether the City wants to pursue abatement and/or demolition under the above-mentioned conditions.

MSB/map