



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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MEMORANDUM

TO: Legal and Finance Committee

CC: Public Works Committee
Mayor Hanks
Marcia Elkins
Brad Solon

FROM: Michael Schad, Assistant City Attorney

DATE: February 3, 2009

RE: 1520 Fifth Street (Howard Liebowitz)
Item No. 33 – Legal and Finance Committee Agenda

There has been a nearly three year history of substandard conditions at this residence. On March 22, 2006, there was issued to Alma Ingram an Order to Correct Substandard Conditions. Prior to those substandard conditions being corrected, the property was sold to Bob Porter.

Mr. Porter obtained a building permit to do some repairs, and was told that this property would be cited for demolition if the corrections were not made.

Mr. Porter broke his back and subsequently sold the property to Howard Liebowitz; however, the building permit was still in Mr. Porter's name. Mr. Porter became aware that Mr. Liebowitz was performing work on the property under the original building permit. Mr. Porter then voided the building permit he had taken out on this property.

Mr. Liebowitz had some electrical and plumbing work done to the property; however, inspections of the property revealed that the work was not done by a licensed electrician or



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plumber, respectively. A demolition order was sent to Mr. Liebowitz on August 21, 2008. Mr. Liebowitz appealed that order to the DARB. On September 9, 2008 the hearing was held in front of the DARB.

Mr. Liebowitz was granted an extension and was given 60 days to complete the work or be in the process of having the work substantially complete. A review hearing was set so that the Board could be updated on the progress of the corrections. Mr. Liebowitz claimed that he did not receive notice of the review. He was legally notified of another review hearing which was held November 20, 2008. At that time, he was told by the DARB to have the property demolished.

Brad Solon, the Building Official, sent Mr. Liebowitz a letter dated November 21, 2008 directing Mr. Liebowitz to obtain a demolition permit within 20 days, and to have the structure demolished within 30 days. To date, Mr. Liebowitz has done neither. It is recommended that the structure be declared a nuisance so that the demolition may go forward. The City has received a bid of \$10,900 for the demolition of the structure.

MS/map