

AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 302 SW RAILROAD STREET IN THE TOWN OF BENSON, NORTH CAROLINA.

THAT WHEREAS, the Town of Benson properly served Tony Dale Whitman, 101 ½ West Harnett St., Benson, NC 27504 (hereinafter "Owner") and Any Party in Possession, with notice copied to: interested party/lienholder: NO LIENHOLDER OF RECORD; VIA USPS CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL, in Complaint dated August 9, 2019, served on or about AUGUST 19, 2019 pursuant to Chapter 153.50, *et. seq.* of the Code of Ordinances for the Town of Benson, complaining and alleging that the certain dwelling owned by Owner(s) located at 302 SW Railroad Street in the Town of Benson, North Carolina, which property bears Johnston County Tax Parcel ID # 01035050 (the "Property") is unfit for human habitation due to a severe dilapidation; and

WHEREAS, Owners were noticed in the August 9, 2019 Complaint to appear before the building inspector on August 27, 2019 at Benson Town Hall regarding the conditions which existed on the Property, pursuant to Town of Benson Code of Ordinances § 153.52(A); and

WHEREAS, Tony Dale Whitman, property owner, appeared on his on behalf at the August 27, 2019 Hearing and, after a presentation and discussion of all the evidence, including testimony of Town Planning Department staff, testimony of the property owner, and the presentation of pictographic evidence of the current status of the Property, a finding was made pursuant to Town of Benson Code of Ordnnances § 153.52(B) that the structures located on the subject Property were indeed unfit for human habitation and, due to the extreme state of dilapidation, the structures could not be repaired, altered, or improved to comply with the minimum housing standards of the Town of Benson Code of Ordinances at a cost not to exceed fifty percent (50%) of the value of such structures. Therefore, the Owners of the Property were ordered to remove or demolish the dwelling located on the subject Property and clear the debris therefrom no later than January 2, 2020; and

WHEREAS, the Owners were served with a copy of a written copy of the findings and Order set forth above on or about October 2, 2019, with notice copied to interested party/lienholder: - NO LIENHOLDER OF RECORD - VIA USPS CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL. Further, Owners have been given a reasonable opportunity to comply with the aforementioned Order of the Building Inspector as required by N. C. Gen. Stat. § 160A-443(5); and

WHEREAS, the Owners have failed to remove or demolish the dwelling and clear the

debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 153.50, *et. seq.* of the Town of Benson Code of Ordinances and N. C. Gen. Stat. §160A-443 as directed in said Order; and

WHEREAS, there are no persons living in the dilapidated structure(s) located on the subject Property;

NOW, THEREFORE, BE IT ORDAINED and ORDERED BY THE TOWN OF BENSON BOARD OF COMMISSIONERS, pursuant to Town of Benson Code of Ordinances § 153.50 *et. seq.* and N. C. Gen. Stat. § 160A-443, as follows:

Section 1. That the Planning Director, obo the Building Inspector of the Town of Benson is ordered to remove and/or demolish the dwelling located on the Subject Property at 302 SW Railroad Street in the Town of Benson, North Carolina, more particularly described as follows:

SEE EXHIBIT “A” ATTACHED HERETO.

Section 2. That the Planning Director, obo the Building Inspector of the Town of Benson is ordered to sell the materials of the structure that are salvageable and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited with the Clerk of Superior Court of Johnston County.

Section 3. That this ordinance shall become effective immediately upon its adoption and, further, the Town Attorney is directed to cause this ordinance to be recorded with the Johnston County Register of Deeds pursuant to N. C. Gen. Stat. 160A-443(5b).

ADOPTED THIS _____ DAY OF _____, 2020.

Jerry M. Medlin, MAYOR

ATTEST:

TOWN CLERK

EXHIBIT "A"

TRACT 2: Bounded on the North by the lands of Preston Woodall; on the East by the Atlantic Coast Line Railroad; on the South by the lands of Alonzo Parrish and on the West by the lands of the said Alonzo Parrish, and is Lot No. 4, in Block "J" 60 feet by 140 feet, in the Plan of the Town of Benson, See Book D. No. 9, at page 514, Registry of Johnston County, and being Lot # 9 in Block 47 according to a plat of the Town of Benson by Riddick, Mann & Hales in 1914.

Provided, however, that the Order of Demolition set forth herein shall apply only to the Easternmost structure located on the above described property, which structure is adjacent to Railroad Street. The structure situated on the Westernmost portion of the above described property which is adjacent to an alley is not subject to the provisions of this Order.