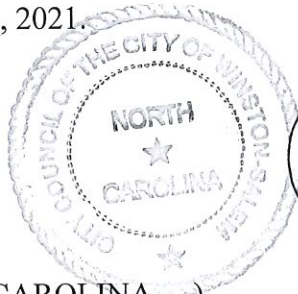


STATE OF NORTH CAROLINA )  
 )  
COUNTY OF FORSYTH )

I, Sandra Keeney, City Clerk of the City of Winston-Salem, North Carolina, do hereby certify the attached to be a true and correct copy of an ordinance entitled, "ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM" adopted by the City Council at a regular meeting held on the 17<sup>th</sup> day of May, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said City, this the 18 day of May, 2021.



Sandra Keeney  
City Clerk to the City of Winston-Salem, N.C.

STATE OF NORTH CAROLINA )  
COUNTY OF FORSYTH )

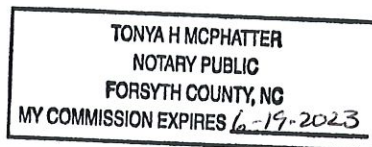
I, Tonya H. McPhatter, a Notary Public of Forsyth County, North Carolina, do hereby certify that Sandra Keeney, City Clerk of the City of Winston-Salem, NC, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 18 day of May, 2021.

Tonya H. McPhatter  
Notary Public

My commission expires:

6-19-2023



Ordinance #21-0256, 2021 Ordinance Book Page 53

**ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE  
PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203((f)(1) OF THE CODE OF  
THE CITY OF WINSTON-SALEM**

**WHEREAS**, the Community Development Department, after due notice and hearing, determined that the property hereinafter described in Exhibit (s) was unfit for human habitation; and

**WHEREAS**, either the Mayor and City Council adopted an ordinance or the Housing Conservation Administrator issued a repair or vacate and close order; and

**WHEREAS**, the repairs necessary to render the structure fit for human habitation would cost less than fifty percent (<50%) of the present value of the structure; and

**WHEREAS**, the owner of the property herein described in Exhibit(s) vacated and closed said structure and kept it vacated and closed for a period of six months pursuant to said Order; and

**WHEREAS**, the Mayor and City Council hereby finds that:

- (1) Six months has passed since the structure was vacated and closed pursuant to the previous order.
- (2) The property owner has abandoned the intent and purpose to repair, alter or improve the dwelling in said order to render it fit for human habitation.
- (3) The continuation of said structure in its vacated status will be inimical to health, safety, morals and welfare of the City in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of the property values in the area and will render

unavailable property and dwelling which may otherwise have been available to ease the persistent shortage of decent and affordable housing in this State and City.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Winston-Salem, as follows:

**Section 1.** The owner(s) of the property herein described in Exhibit(s) is hereby ordered to repair or demolish and remove said property within ninety days.

**Section 2.** In the event the owner(s) fails to comply with this order of the Mayor and City Council within the prescribed time period, the Community Development Department of the City of Winston-Salem is hereby ordered and authorized to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property herein described by causing said dwelling be repaired or demolished and removed.

**Section 3.** The property to which this ordinance applies is known and described as set out in Exhibit(s) attached hereto and incorporated herein by reference.

**Section 4.** This ordinance shall become effective upon its adoption, and a copy hereof, certified by the City Clerk of the City of Winston-Salem, shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantors index, as provided by law.

INSTRUMENT DRAWN BY:

  
DEPUTY CITY ATTORNEY

**CODE ENFORCEMENT PURSUANT TO HOUSING CODE:**

SEC. 10-203(e)  
 SEC. 10-203(f)(1)  
 SEC. 10-203(f)(2)

**CASE SUMMARY:**

**HOUSING FILE NO.:** 2018070557

**PROPERTY ADDRESS:** 964 KEARNS AV

**WARD:** WEST

**PROPERTY OWNER(S):** JOSEPHINE L. SMITH

**LIS PENDENS #:** 18m1894

**DATE LIS PENDENS FILED:** 11/1/2018

**DUE PROCESS:**

1. The current **Complaint and Notice of Hearing** was issued 9/10/2018 and service was obtained by  certified mail;  regular;  posting;  hand delivery and  publication on 9/20/2018. The Hearing was held on 10/10/2018 and the owner/agent  did  did not appear and/or contact the Community Development Department regarding the complaint.
2. The **Finding and Order** was issued on 10/24/2018 and service was obtained by  certified;  regular;  posting;  hand delivery, and  publication on 11/3/2018. The Order directed the owner to **vacate and close or repair** the dwelling within 30 days from receipt. The time for compliance expired on 12/3/2018. The dwelling was found vacated and closed on 1/26/2019.
3. The dwelling became eligible for demolition under the  six (6) month rule  65% rule on 7/26/2019.
4. The notification letter was sent on 5/4/2021 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 5/11/2021. The notice further advised that if the owner(s) intended to request an extension of time, they should present evidence of their intent to the Community Development Director prior to the Committee meeting. The Director  was  was not contacted.

**COMMENTS (if any):**

**COUNCIL CONSIDERATION:**

**The estimated cost to make repairs to needed to render this dwelling fit for human habitation:**

- exceeds sixty-five percent (65%) of the value of the dwelling.  
 is less than fifty percent (<50%) of the present value of the dwelling.  
 is more than fifty percent (>50%) of the present value of the dwelling.

**Estimated cost to repair structure** \$2,794

**Tax value of structure** \$101,900

**Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be:**

- removed or demolished.  
 repaired or demolished and removed within ninety (90) days or, if eligible, repaired  
under In Rem provisions of the Minimum Housing Code with City Council approval.  
 demolished and removed within ninety (90) days.



**Winston-Salem**

**Community Development  
Department**

City of Winston-Salem  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.727.2878  
[www.cityofws.org](http://www.cityofws.org)

**PROPERTY DESCRIPTION EXHIBIT**

Property on which housing ordered demolished pursuant to Ordinance adopted the \_\_\_\_\_ 17 \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 2021 \_\_\_\_\_.

**964 KEARNS AV**

The housing located at **PIN NO. 6816-93-7558.000** as hereinafter described,

OWNER NAME: JOSEPHINE L. SMITH

The above described lot being known and designated as

**PIN NO. 6816-93-7558.000**

said map being recorded in the Office of the Register of Deeds of Forsyth County, North Carolina.

The above described property being known as **PIN NO. 6816-93-7558.000** as shown on the Forsyth County Map in the Office of the Tax Supervisor, Forsyth County Government Center, 201 N. Chestnut Street, Winston-Salem, NC.



Call 311 or 336-727-8000  
[citylink@cityofws.org](mailto:citylink@cityofws.org)

**City Council:** Mayor Allen Joines; Denise D. Adams, Mayor Pro Tempore, North Ward; Barbara Hanes Burke, Northeast Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Kevin Mandy, Southwest Ward; Annette Scippio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**CODE DEFICIENCIES - EXHIBIT A**



**Winston-Salem**

**Community Development  
Department**

City of Winston-Salem  
PO. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.727.2878  
[www.cityofws.org](http://www.cityofws.org)

**CASE NO: 2018070557**

**NEIGH. CONSERVATION OFFICER: ARNOLD ROGERS - (336)734-1288**

**LOCATION: 964 KEARNS AV**

**VIOL NBR VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

903914 REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS -  
MINORV-10-197(G)(6)

903912 REPAIR OR REPLACE FRONT PORCH CEILING -  
UNFIT V-10-197(G)(7)

903913 REPAIR SOFFIT AND/OR FASCIA -  
UNFIT V-10-197(G)(6)

## City Council – Action Request Form

**Date:** May 11, 2021

**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

**From:** Tasha Logan Ford, Assistant City Manager  
Marla Y. Newman, Community Development Department, Director  
Sharon B. Richmond, Community Development Department, Deputy Director

**Council Action Requested:**

Ordinance ordering the Community Development Department of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code

**Strategic Focus Area:** Livable Neighborhoods  
**Strategic Objective:** Improve Character and Condition of Neighborhoods  
**Strategic Plan Action Item:** No  
**Key Work Item:** Yes



**Summary of Information:**

The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

**STRUCTURE UNITS WITH REPAIRS LESS THAN FIFTY PERCENT OF VALUE OF STRUCTURE (<50%) SIX MONTHS**

<b>Owner</b>	<b>Property Location</b>	<b>Block &amp; Lot(s)</b>
Josephine L. Smith	964 Kearns Avenue	2381 031

**Committee Action:**

<b>Committee</b>	<u>CDHGG 5/11/2021</u>	<b>Action</b>	<u>Approval</u>
<b>For</b>	<u>Unanimous</u>	<b>Against</b>	<u></u>
<b>Remarks:</b>			