

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: June 28, 2023

SUBJECT: Chronic nuisance property

PRESENTER: Charles Russell Burrell; Matt Champion

ATTACHMENT(S): Chronic Nuisance Declaration from BOC; Cost Estimate

SUMMARY OF REQUEST:

This matter is back before the Board on the matter of a chronic nuisance property, as that term is used in N.C. Gen. Stat. §153A-104.2.

- The Board is reminded of its previous finding, on June 5, 2023, that the property located at 273 McMillan Dr was on that date a chronic nuisance property, in that it had three times within the last year been cited as a nuisance property under the County's nuisance ordinance, found in Chapter 52 of the Henderson County Code.
- Since the Board's previous finding, the owner of the property was notified by certified mail and by posting on the property of the Board's finding.
- After the notification of the owner, County staff again visited the property, and found no improvement, such that the property still constitutes a nuisance under Chapter 52 of the County Code.
- Staff has obtained estimates on the cost of removing the items which make up the nuisance on the property. The lowest estimate obtained is for a cost of \$1,500.
- The tax value of the property is \$120,200 (\$40,400 land value, \$79,800 building (mobile home, title surrendered)).

BOARD ACTION REQUESTED:

At this point, staff seeks Board permission to contract to remove the nuisance from the site, and to impose a lien on the property (to be collected as back taxes) for the cost of remediating the nuisance.

SUGGESTED MOTION. If the Board is so inclined the following motion is suggested:

I move that the Board direct staff to contract for the remediation of the nuisance on this property, obtain a lien on the property and repayment for the cost of the remediation pursuant to N.C. Gen. Stat. §153A-104.2.

Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
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Rebecca K. McCall
Chairman
J. Michael Edney
Vice-Chairman



William Lapsley
Daniel J. Andreotta
David Hill

June 6, 2023

Carroll Bruce Haynes
273 McMillan Dr.
Hendersonville, NC 28792

SENT BY CERTIFIED MAIL AND BY HAND DELIVERY (POSTING)

RE: 273 McMillan Dr., Hendersonville

Dear Mr. Haynes:

The Board of Commissioners of Henderson County has reviewed your numerous violations of the County's Nuisance Ordinance (the ordinance is found in Chapter 52 of the Henderson County Code). These violations occurred on the property owned by you located at 273 McMillan Drive in Hendersonville, and were cited February 15, 2023, April 26, 2023 and May 16, 2023.

Under the North Carolina General Statutes,

§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance. A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

This serves as your notice pursuant to N.C. Gen. Stat. §153A-140.2, that, if your property listed above is found to be in violation of the County's Nuisance Ordinance at any point during the calendar year 2023, the County will, without further notice, take action to remedy the violation, and the expense of the cost of remedying the violation will be a lien on your property and be collected as unpaid taxes. The County will inspect the property at various times during 2022, given the chronic nature of the nuisance violations, and if no significant improvement is found, take action to remedy the nuisance.

June 6, 2023
Carroll Bruce Haynes
Page 2

You should be aware that if the action of remedying the nuisance is required of the County, all of the expense of the same will be charged to you. The County can and will, just as with unpaid taxes, sell the property to the highest bidder to recoup its expenditures.

You are advised not to make this action necessary. However, if you do not take prompt and effective action to remedy this situation, the County will do so, at your expense and to your loss.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca McCall".

Rebecca McCall, Chairman
Henderson County Board of Commissioners

Greene's Grading & Excavating

Stone Hauling - Dirt Hauling

828-691-5481

INVOICE NO. 2768

gge1llc.612@gmail.com

INVOICE

BILL TO Henderson County		SERVICE PERFORMED AT Greene's Grading	
ADDRESS +linville@hendersoncounty NC		ADDRESS 3765 Evans Rd.	
CITY, STATE, ZIP org		CITY, STATE, ZIP Hendersonville NC 28739	
CUSTOMER ORDER NO. 828-691-9948	SOLD BY	TERMS	DATE

	Clean up trash and remove from property in Edneyville seen on June 15 th , 2023			
	Equipment, Labor + Insurance			
			\$ 1500.00	