

HARNETT COUNTY
NORTH CAROLINA

ORDINANCE AUTHORIZING DEMOLITION OF 9018 US 401 NORTH (SINGLE-FAMILY
RESIDENCE & ACCESSORY STRUCTURE) AND IMPOSITION OF LIEN TO RECOVER
COUNTY COSTS

WHEREAS, the County of Harnett has received complaints about life safety issues and potential code violations on the single-family residence and an accessory structure located at 9018 US 401 North, Fuquay Varina, NC, owned by Tarbit E. Johnson c/o Tarbart N. Faulk through deed recorded in Book 404, Page 21, of the Harnett County Registry, and

WHEREAS, the concerns identified have included structural deterioration and collapse, water intrusion, and other code violations that present clear life safety issues, and

WHEREAS, on February 27, 2018, the structures located at 9018 US 401 North were posted in a conspicuous place as unsafe and a certified letter was sent to the owner, Tarbit E. Johnson c/o Tarbart N. Faulk on March 1, 2018 to order the structures not to be occupied, and to advise the owner of the opportunity to present evidence concerning the structures at a hearing, which was scheduled for March 7, 2018, and

WHEREAS, County staff conducted a hearing on March 7, 2018 in accordance with N.C.G.S. 153A-368, and the owners, persons in interest, agents or attorneys did not submit evidence that would dispute the assessment of the structures, and

WHEREAS, based on the examination of the structures and the absence of evidence or argument from Tarbart N. Faulk, the agent representing the property located at 9018 US 401 North, a formal order was issued to demolish the structures on March 8, 2018, and a deadline of May 11, 2018 to demolish the structures was established as required by N.C.G.S. 153A-369, and

WHEREAS, Tarbart N. Faulk, the agent representing the property located at 9018 US 401 North, did not appeal the March 8, 2018 order to the Harnett County Board of Commissioners, and

WHEREAS, no significant progress has occurred to demolish the structures, and it remains in a similar condition as noted in February 2018, and

WHEREAS, in the interest of the public health, safety, and welfare, and despite the efforts by Harnett County staff to resolve the outstanding life safety concerns, and as a result of the owner having failed to comply with the order to demolish within the prescribe timeframe, the County has determined that it is now necessary for the County to proceed with the demolition of the

single-family residence and the accessory structure at 9018 US 401 North, Fuquay Varina, NC, and

WHEREAS, the County has solicited bids for the demolition of the structures, and the low bid is the sum of \$6,250.00 for the demolition and removal of debris and materials of the single-family residence and the accessory structure, and

WHEREAS, the cost incurred by the County shall be a lien against the owner, Tarbit E. Johnson c/o Tarbart N. Faulk, and the real property located at 9018 US 401 North, Fuquay Varina, NC as conveyed to owner in Book 404, Page 21, Harnett County Registry, and the County shall sell any usable materials and personal property, fixtures, and appurtenances found in or attached to the structure and credit the proceeds of the sale toward the costs and account to the owner,

NOW, THEREFORE BE IT ORDAINED by the Harnett County Board of Commissioners that:

Section 1. Due to significant life safety concerns and pursuant to N.C.G.S. 153A-372, the demolition of the single-family residential structure and accessory structure at 9018 US 401 North, Fuquay Varina, NC, (PIN 0654-51-6833.000) is hereby authorized, and County staff shall contract for and carry out the demolition and removal of the structures in accordance with the terms of this Ordinance.

Section 2. Pursuant to N.C.G.S. 153A-372, and N.C.G.S. 153A-200, a lien equal to the amount of the County's cost associated with the demolition and removal, less any credits due the owner, shall be imposed against the real property located at 9018 US 401 North, and the costs shall be repaid to the County within 30 days following demolition and removal of the single-family residential structure and accessory structure. If the County does not receive payment for said costs within 30 days, then all costs not paid to the County within 30 days shall accrue interest at a rate of 8% per annum and said interest shall be added to the amount of the lien imposed, and the County is authorized to foreclose its lien and recover all costs associated therewith including attorney's fees and court costs.

Section 3. County shall sell the usable materials of the dwelling and credit the proceeds against the cost of demolition and removal. If a surplus remains after the sale of materials and satisfaction of the cost of removal or demolition, County shall deposit the surplus in the Superior Court where it shall be secured and disbursed by the Court to the person found to be entitled thereto by final order or decree of the Court.

Section 4. A certified copy of the Resolution and Ordinance be recorded in the Office of the Harnett County Register of Deeds.

Section 5. This Ordinance shall become effective upon its adoption.

Adopted this the 22nd day of January, 2019.

HARNETT COUNTY BOARD OF COMMISSIONERS

Gordon Springle, Chairman

ATTEST:

Margaret Gina Wheeler, Clerk to the Board