

COMMONWEALTH OF KENTUCKY
CITY OF BERA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
LAWRENCE CORNETT, DECEASED,) FINAL ORDER
KENT MASON, ADMINISTRATOR)
(Property located at 133 Sycamore Street,)
Berea, Kentucky))

* * * * *

This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that the structures at 133 Sycamore Street are unfit and unsafe and the grounds constituting a public nuisance, which complaint was made by the Code Enforcement Office of the City of Berea. Code Officer Amanda Haney, originally on October 12, 2017, and subsequent notice date January 5, 2018, both of which alleged that the structure at 133 Sycamore Street in violation of the Property Maintenance Code, pursuant to Section 70.005(b) and the grounds in violation of Section 50.001 of the Berea City Code, this Board held a hearing to determine whether the dwelling is unfit for human habitation and/or dangerous and grounds constituted a nuisance.

A hearing was held on this matter before the Code Enforcement Board on January 23, 2018, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, Mike Barnett and Terry Bingham. Also present was Amanda Haney of the Code Enforcement Office, and Cheryl Chasteen, City Clerk, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of the inspections of the dwelling and grounds at 133 Sycamore Street, summarized as follows:

The unoccupied structure is located on a 2 acre lot at 133 Sycamore Street on a gravel dead-end road accessible via a railroad underpass. The structure is the last of three (3) houses on Sycamore Street, the other two (2) having been demolished. There are various out buildings on the property, all in poor condition. Pictures were displayed of the property to show the conditions; the house and buildings are falling in, and trash is being dumped on the property from outside sources; homeless people have placed tents on the property and have been living there. There is no utility service to the property and the structure has been abandoned for some time.

The grounds of the property are laded with trash and there is evidence of third parties dumping trash on the property.

Jason Berry and Katie Berry, adjoining property owners on Holly Hill Drive, testified to the trash, drug paraphernalia and transient use of the property.

Kent Mason, the property owner testified that the property was owned by his brother, Lawrence Cornett, who passed away in February, 2017. He stated he has been appointed Administrator of the estate and has been trying to give the property to the City as a park and to Berea College Forestry. Neither the City nor the College were willing to accept the property. Mr. Mason acknowledged that the structure was uninhabitable and the current condition of the grounds were in worse condition than the photographs showed. Ms. Haney testified the structure is unfit for human occupancy and is dangerous. Further, that the structure cannot be repaired or made to comply with the appropriate housing and building regulations at a cost of less than 50% of the value of the building.

Based on the evidence, the Codes Enforcement Board makes the following Findings of Fact:

1. The owner of the property at 133 Sycamore Street, Kent Mason, Administrator of the Estate of Lawrence Cornett, deceased, was properly notified of the violations and of these proceedings.

2. The structures and untended grounds located at 133 Sycamore Street are unfit for human occupancy and is dangerous in violation of Sections 70.005(b) and 50.001 of the Berea Code.

3. The structures at issue cannot be repaired or made to comply with the appropriate housing and building regulations at a cost of less than 50% of the value of the buildings.

Based upon the foregoing findings, the Code Enforcement Board concludes as follows:


1. The owner of the premises of the structure located at 133 Sycamore Street is in violation of the aforesaid provisions of the Property Management Code and the garbage and refuse constitute a nuisance.

Based upon the foregoing Findings and Conclusions, it is hereby ORDERED pursuant to Section 70.005 of the Berea City Code, KRS 65.8821, 65.8825, and 65.8828, that the structure at issue located at 133 Sycamore Street be demolished and removed no later than February 24, 2018, which is thirty (30) days from the date of the hearing. The Code Enforcement Office of the City of Berea shall cause to be posted on the main entrance a notice that the dwelling is unfit for human habitation and occupation of the building is unlawful. It is further ORDERED that in the event the owner of the structure at issue located at 133 Sycamore Street does not remove and demolish same and remove the trash and rubbish from the property within the time period ordered herein, the building official shall cause the structure to be removed and demolished and trash removed and the total cost of said removal and demolition shall constitute a lien against the real property at 133

Sycamore Street to be placed on the City's tax books against the property and to be collected and foreclosed upon in the same manner as taxes and tax liens are collected and foreclosed.

BEREA CODE ENFORCEMENT BOARD

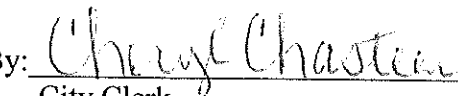
Date: 2-6-18

By: 
Andrew Baskin, Chairman

CERTIFICATE OF SERVICE

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or hand-delivery, on the date set out below.

Date: 2-6-18

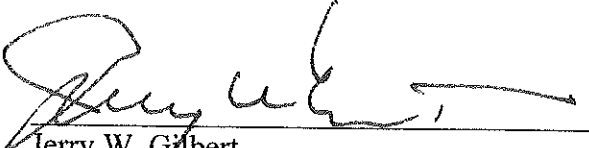
By: 
Cheryl Chastain
City Clerk

Kent Mason, Administrator of the Estate of Lawrence Cornett
2401 Brookshire Circle
Lexington, Kentucky 40515

Davis Law, PSC
Attorneys for the Estate of Lawrence Cornett
230 North Second Street
Richmond, Kentucky 40475

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Prepared by:


Jerry W. Gilbert
Corporation Counsel