

COMMONWEALTH OF KENTUCKY  
CITY OF BEREA  
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:

WANDA HIMES and  
WELLS FARGO BANK

(Property located at 205 Washington Ave.,  
Berea, Kentucky)

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ORDER

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This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that the structures at 205 Washington Avenue 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 September 14, 2020, posted to the structure and sent to Wells Fargo Bank, the lien holder, which alleged that the structure at 205 Washington Avenue 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 November 10, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, vice chair, Terry Bingham, Tom Schultz and James Anderson. Also present was Amanda Haney of the Code Enforcement Office, and Robin Adams, 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 205 Washington Avenue, summarized as follows:

The unoccupied structure is located 205 Washington Avenue. The structure suffered a fire and has been determined a complete loss. Pictures were displayed of the property to show the conditions. Following the posting of the Notice of Violation, Wells Fargo Bank contacted the Code Enforcement Office and stated they do not intend to clean up or demolish the property in the near future. Crystal Roberts, daughter of the property owner, also contacted the Code Enforcement Office and stated she had payment from the bank and believed there would be sufficient funds to demolish the house but gave no indication as to when this would be completed. Both agreed that the City should demolish the building and recover its costs from the owner or by the imposition of a lien.

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, Wanda Himes and the lienholder, Wells Fargo Bank, were properly notified of the violations and of these proceedings.
2. The structure at 205 Washington Avenue is unfit for human occupancy and is dangerous in violation of Sections 70.005(b) and 50.001 of the Berea Code.
3. The structure 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 205 Washington Avenue is in violation of the aforesaid provisions of the Property Management Code and 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 205 Washington Avenue be condemned, and the structure be demolished and removed. 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 ORDERED the City 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 205 Washington Avenue 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: 11-17-2020

By:   
Andrew Baskin, Chairman

CERTIFICATE OF SERVICE

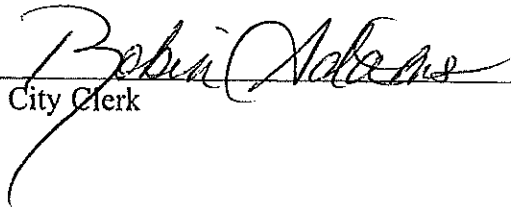
I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or hand-delivery, on the date set out below.

Wanda Himes  
*Owner*

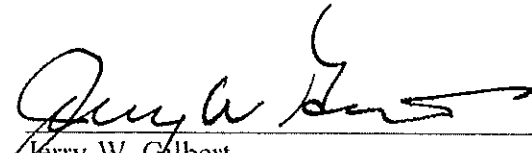
Wells Fargo Bank  
*Lender*

Amanda Haney  
Code Enforcement Office  
City of Berea, Kentucky

Date: 11-17-20

By:   
City Clerk

Prepared by:

  
Jerry W. Gilbert  
Corporation Counsel