

Consideration of Waiving Fees and/or Penalties
Code Enforcement Staff Report

Case # 96574
231 N. 11th St.
Las Vegas, Nevada 89101 (Ward 5)

Requestor: Richard McKnight, ESQ

Property Currently Owned by: Mythic Management LLC

Property Owner Time at Case: 11th Street Holdings Inc. c/o Cherry Development

Request:

The applicant, Richard McKnight, ESQ has requested a waiver and/or reduction of fees that have been assessed for failed inspection fees, abatement costs and penalties for 231 N 11th Street. The current property owner is Mythic Management, LLC. Mythic Management, LLC purchased the property 4-12-12 and is requesting to discuss the waiver of the fees and penalties outstanding on this property. **(Attachment A)**

Background Information:

This case originated on December 6, 2010 from a Metro complaint about a C-2 commercially zoned property consisting of travel trailers and a main building being open and assessable with graffiti.

On December 6, 2010, the Code Enforcement Officer verified that the travel trailers and building were open and assessable with graffiti on the property. The officer mailed a correction notice to the owner of record as listed with Clark County Assessor at the time to 11th Street Holdings, Inc 1351 W Warm Springs Rd Henderson, NV 89014 and mailed a copy of the correction notice to the sewer address 900 Las Vegas Blvd Suite #130 LV, NV 89101-6891. Research also determined property was in default so correction notice was mailed to TD Service Company 1820 E First St Suite 210 PO Box 11988 Santa Ana, CA 92711-1988 and East West Bank 135 N Los Robles Ave Pasadena, CA 91101.

Code Enforcement did not receive a response to the correction notice **(Attachment B)** from any of the notified parties. A Notice and Order was issued on January 24, 2011, all parties were sent a copy **(Attachment C)**. As a result of no response from the property owner, Code Enforcement proceeded with contractor abatement on February 25, 2011. A total of six inspections were conducted until the case was closed March 17, 2011. Pictures of all failed inspections completed are attached. **(Attachment D)**.

Conclusion:

Code Enforcement did not receive any communication from the owner 11th Street Holdings Inc or TD Service Company. The notice and order sent certified mail was unclaimed 1-11-11 and the 10 day before abatement Notice and Order was accepted 1-24-11 by. Since owner took no responsibility in abating the violations, Code Enforcement proceeded with contractor abatement. On June 9, 2011 City Council approved \$2853.50 of out of pocket costs and \$1450.00 in Failed Civil Penalties and \$38050.00 in Daily Civil Penalties. Total owed on the approved lien for case is \$42,353.50. As of May 21, 2012, no payments have been received. Property was checked May 3, 2012 to take current photos and officer saw open units, graffiti and dead vegetation on the property as depicted in current status photos **(Attachment E)**.

Fee & Penalty Information:

OUT-OF-POCKET COSTS	ASSESSED	PAID	OUTSTANDING
ABATEMENT COST	\$1,850.00	\$0.00	\$1,850.00
ADMINISTRATIVE COSTS RECOVERY FEE (15% of Abatement Contract Price)	\$277.50	\$0.00	\$277.50
INSPECTION COSTS RECOVERY FEE (\$0 for first 2 Inspections; \$120 for 3rd Inspection; \$180 for Each Inspection Thereafter)	\$660.00	\$0.00	\$660.00
LATE FEES (10% of Inspection Fees):	\$66.00	\$0.00	\$66.00
TOTAL OUT-OF-POCKET COSTS:	\$2,853.50	\$0.00	\$2,853.50
CIVIL PENALTIES			
FAILED INSPECTION CIVIL PENALTIES (\$150 1st Failure; \$300 2nd Failure; \$500 Each Failure Thereafter)	\$1,450.00	\$0.00	\$1,450.00
DAILY CIVIL PENALTIES (\$500 Per Day From Notice of Violation until Award of Abatement Contract)	\$38,050.00	\$0.00	\$38,050.00
TOTAL LATE FEES & CIVIL PENALTIES	\$39,500.00	\$0.00	\$39,500.00
TOTAL ALL COSTS, LATE FEES AND PENALTIES			\$42,353.50
			Approved by City Council on: 6/1/2011

Staff Recommendation:

Staff recommends denial of waiver request.

Attachments:

- A. Waiver Request
- B. Correction Notice
- C. Notice and Order
- D. Inspection Pictures
- E. City Council Pictures
- F. Current Status Pictures

Attachment A
Waiver Request



Request for a Waiver and/or Reduction of Civil Penalties Application



SUBMIT APPLICATION TO:
City of Las Vegas / Code Enforcement Division
Attn: Michael Bouse, Manager
333 N. Rancho Dr.
Las Vegas, NV 89107
Voice: 702-229-4888 – Fax: 702-382-4341

*Please type and/or print
 Submit only one signed original*

Date of Application: 3/22/ 2012

Location and/or address of subject property:

Nearest major intersection: Stewart and 11 th

Street Address: 231 N. 11th Street

Parcel Number: 139-35-211-051

Applicant's Address/Contact Information:

Name: Richard McKnight, Esq.

(please check the following the applies)

☐ Owner ☐ Purchaser ☒ Agent ☐ Other (explain) _____

Street Address/PO Box: 330 S. Third Street #900

City: Las Vegas **State:** NV **Zip Code:** 89101

Phone No: 702-388-7185 **E-mail:** rmcknight@lawlasvega.com **Fax No:** 702-388-4393

Property Owner's Address/Contact Information: (if different from applicant):

Name: Mythic Management, LLC

Street Address/PO Box: 10120 S. Eastern Ave., Suite 218

City: Henderson **State:** NV **Zip Code:** 89052

Phone No: (702) 416-4223 **E-mail:** paolo_lv@yahoo.com **Fax No:** _____

Amount of City of Las Vegas Lien on the Property: \$ 42,480.91

Amount requested to be considered for waiver and/or reduced? \$ 40,595.00

Signature of Applicant: _____ **Date:** 3/22/2012

Signature of Owner: J. Cammarata **Date:** 3/22/2012

For Office Use Only:

Council Ward: 3 **Case/File Number:** 96574 **Council Action date of Lien:** 6/1/11

Describe why the applicant is requesting a waiver/reduction:
(You may attach additional sheets if needed.)

Deed to Mythic Management, LLC (Mr. Cammarata's company) was not transferred and recorded until March 9, 2012. The property was in the name of 11th Street Holdings, Inc. (a revoked Nevada corporation which Mr. Cammarata was not an owner of) prior to that and notices were going to 11th Street Holdings and not being forwarded to Mr. Cammarata.

Describe the existing condition/situation of the subject property:
(You may attach additional sheets if needed.)

Property is empty. Mythic continues to clean and maintain the property and us measures to insure that homeless do not use the property as shelter.

See attached photos.

Mythic has hired a maintenance person who lives in the area to ensure against vagrants occupying the building.

Describe the immediate plans for the property, including any planned improvements: (You may attach additional sheets if needed.)

Property is under contract for sale.

Attachment B

Correction Notices



City of Las Vegas
Department of Building and Safety
Neighborhood Response - Code Enforcement
333 N. Rancho Dr.- 2nd Floor -
Las Vegas, Nevada 89106

FINAL CORRECTION NOTICE

Case # 96574 Location: 231 N 11TH ST

LVMC 9.04.010 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.04.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

LVMC 9.04.010 "Responsible party" means any tenant occupant, lessor, lessee, manager, licensee or other person having control over a structure or parcel of land in the City.

I have this day inspected this property and have found the following violation(s) of the City of Las Vegas Municipal Code(s):

16.08.010 UDB SEC 403

LVMC 16.08.010 Uniform Dangerous Building Code
Section 403 - Repair, Vacation and Demolition

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation and demolition of any dangerous building or structure:

1. Any buildings declared a dangerous building under this code shall be made to comply with one of the following:

1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

1.2 The building shall be demolished at the option of the building owner; or

1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb property or safety of the public or its occupants, it shall be ordered to be vacated.

3. If any building is vacated in order for repairs to be made in compliance with an order issued under this Code, a certificate of occupancy must be obtained upon completion of the repairs before reoccupancy will be permitted.

Location	Comments
ALL OPEN ACCESSIBLE UNITS	Secure all structures to City of Las Vegas specifications.

19.04.010(7) JUNK VEH/ PARTS

LVMC 9.04.010 (5) Any violation of Title 19 of this Code.

LVMC 19.04.010 (7) RESIDENTIAL VEHICLE- JUNK VEHICLE

LVMC 19.04.010 LAND USE TABLES

The use of buildings, structures and land shall be permitted only in accordance with the following Land Use Tables, and subject to all other applicable requirements of this Title.

Vehicle Parking, Storage or Repair in Residential Zoning Districts

Description: The parking, storage or repair of vehicles as an accessory use in residential zoning districts Vehicle Parking,
Storage or Repair in Residential Zoning Districts

Conditional Use Regulations:

7. There shall be no storage of junked vehicles, or parts thereof, in any residential district. Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6 foot-high fence to adequately screen the parts from view, or in a fully enclosed building; provided, however, that if the abutting property is undeveloped, the fence or enclosed building shall not be required until the adjacent property is developed. No more than 200 square feet of space shall be used for the storage of serviceable parts.

LVMC 19.20 Definitions

"Vehicle, Junked" means any vehicle which is wrecked, partially wrecked, dismantled or partially dismantled.

Location	Comments
TRAVEL TRAILERS	REMOVE ALL TRAVEL TRAILERS FROM THIS SITE- CURRENTLY OPEN / ACCESSIBLE , DISMANTLED.

9.12.030 STORED MATERIALS

LVMC 9.12.030 Compost piles, firewood and stored materials.

(A) Nothing in this Chapter shall be so construed as to prevent persons from creating and maintaining a compost pile as permitted by Health Department regulations, to accumulate and store firewood if there is a fireplace on the premises, to store serviceable vehicular parts for owned vehicles and to store useable materials for use on the property, provided such parts and materials are not stored in quantities or locations prohibited by any other provision of this Code. All such compost, firewood and stored materials shall not:

- (1) Be visible from the street;
- (2) Constitute a public nuisance or nuisance to neighbors;
- (3) Create a health or fire hazard; or
- (4) Be stored in the front or side yards.

(B) Storage in the back yard shall be permitted if the yard is enclosed by a six-foot high opaque fence; however, if the abutting property is undeveloped, the opaque fencing shall not be required until the adjacent property is developed.

Location	Comments
TRAVEL TRAILERS	remove all stored travel trailers from this site- they have now become open / accessible creating a nuisance

Property must be in compliance with the LVMC before the re-inspection date of **February 14, 2011**.

If after this date, the property is not brought into compliance, criminal and civil prosecution may be sought concurrently in accordance with L.V.M.C. 9.04.030. The penalty for such criminal violation(s), upon conviction, is a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six (6) months, or any combination of such fine and imprisonment. Furthermore, each day that a violation continues to exist constitutes a separate offense.

Any repeat violation within next 12 months will be subject to immediate fee of \$120.

Fees and Civil Penalties assessed today: **\$1,180.00**

Total Fees and Civil Penalties assessed to date: **\$2,122.00**

If you have any questions, please call officer at **(702)229-5031**

32, HAGEMAN	2/8/11	2/14/2011
Officer	Date	Reinspection Date

☐ This case is a result of a Code Enforcement Sweep.

Additional Comments: N/A



City of Las Vegas
Neighborhood Services Department
Neighborhood Response - Code Enforcement
416 N. 7th Street - Las Vegas, Nevada 89101
1st CORRECTION NOTICE

Case # 96574

Location: 231 N 11TH ST

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I have this day inspected this property and have found the following violation(s) of the City of Las Vegas Municipal Code(s):

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LVMC 16.08.010 Uniform Dangerous Building Code
Section 403 - Repair, Vacation and Demolition

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation and demolition of any dangerous building or structure:

1. Any buildings declared a dangerous building under this code shall be made to comply with one of the following:

1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

1.2 The building shall be demolished at the option of the building owner; or

1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb property or safety of the public or its occupants, it shall be ordered to be vacated.

3. If any building is vacated in order for repairs to be made in compliance with an order issued under this Code, a certificate of occupancy must be obtained upon completion of the repairs before reoccupancy will be permitted.

Location	Comments
all units and mobile home	Secure all structures to City of Las Vegas specifications.

9.04.010 (7)(C) GRAFFITI

LVMC 9.04.010 (7) Any other act or condition, other than those permitted by NRS 40.140 and 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values. Such nuisances include without limitation the following:

(c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for more than twenty-four hours;

Location	Comments
mobile homes	Remove all graffiti from property and maintain free of graffiti at all times.

Property must be in compliance with the LVMC before the re-inspection date of **December 20, 2010**.
If after this date, the property is not brought into compliance, criminal and civil prosecution may be sought concurrently in accordance with L.V.M.C. 9.04.030. The penalty for such criminal violation(s), upon conviction, is a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six (6) months, or any combination of such fine and imprisonment. Furthermore, each day that a violation continues to exist constitutes a separate offense.

Any repeat violation within next 12 months will be subject to immediate fee of \$120.

Fees and Civil Penalties assessed today: **\$0.00**

Total Fees and Civil Penalties assessed to date: **\$0.00**

If you have any questions, please call officer at **(702)229-5031**

<u>32, HAGEMAN</u>	<u>12/6/10</u>	<u>12/20/2010</u>
Officer	Date	Reinspection Date

☐ This case is a result of a Code Enforcement Sweep.

Additional Comments: N/A

Attachment C

Notice and Order



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-35-211-051

Date: December 09, 2010

Case # 96574

*Certified/Regular Mail
Return Receipt Requested*

11TH STREET HOLDINGS INC
1351 W WARM SPRINGS RD
HENDERSON, NV 89014-8811

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 231 N 11TH ST. , Las Vegas, NV, Parcel #(s) 139-35-211-051, that you are in violation of Las Vegas Municipal Code, Title 9, dealing with nuisances.

The following violations have been verified:

16.08.010 UDB SEC 403

Case #	Violation Location	Violation Comments
96574	ALL OPEN ACCESSIBLE UNITS	Secure all structures to City of Las Vegas specifications.

19.04.010(7) JUNK VEH/ PARTS

Case #	Violation Location	Violation Comments
96574	TRAVEL TRAILERS	REMOVE ALL TRAVEL TRAILERS FROM THIS SITE- CURRENTLY OPEN / ACCESSIBLE , DISMANTLED.

LAS VEGAS CITY COUNCIL

MAYOR OSCAR B. GOODMAN

MAYOR PRO TEM GARY REESE • STEVE WOLFSON • LOIS TARKANIAN

STEVEN D. ROSS • RICKI Y. BARLOW • STAVROS S. ANTHONY

CITY MANAGER ELIZABETH N. FRETWELL

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.3901 • TTY 702.386.9108 • www.lasvegasnevada.gov

Inst #: 201012220002622

Fees: \$16.00

N/C Fee: \$0.00

12/22/2010 12:08:46 PM

Receipt #: 620968

Requestor:

LAS VEGAS CITY

Recorded By: MSH Pgs: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

231 N 11TH ST.

Case # 96574

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9.04.010 (7)(C) GRAFFITI

Case #	Violation Location	Violation Comments
96574	ENTIRE PROPERTY	Remove all graffiti from property, travel trailers and maintain free of graffiti at all times.

9.12.030 STORED MATERIALS

Case #	Violation Location	Violation Comments
96574	TRAVEL TRAILERS	remove all stored travel trailers from this site- they have now become open / accessible creating a nuisance

Post: No Trespassing (per NRS 207.200), No Dumping (per NRS 444.630), No Vehicles (per LVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer 32 at (702)229-5031 to supply your current phone number, email address, fax number, or additional mailing address.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

231 N 11TH ST.

Case # 96574

Page 3

You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



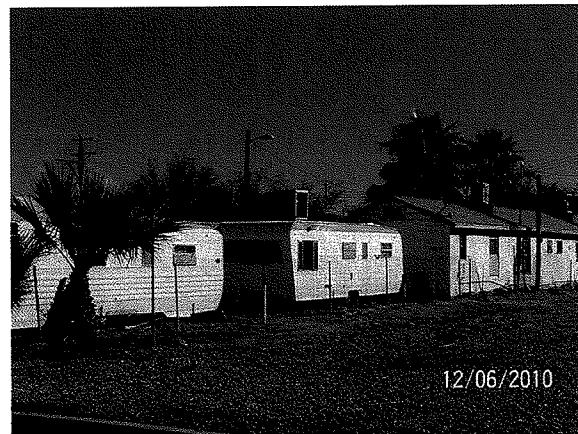
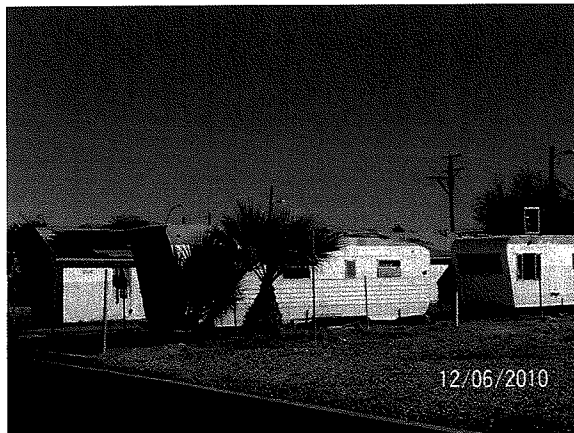
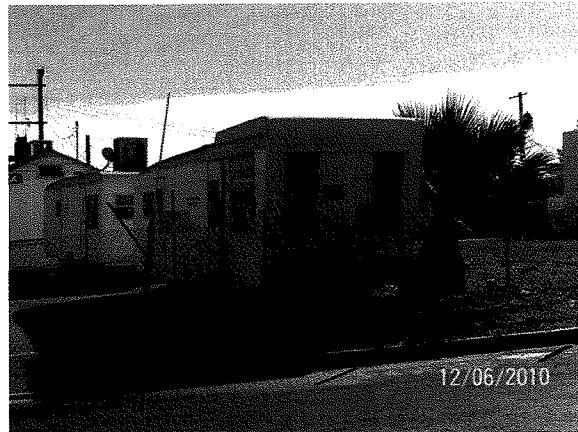
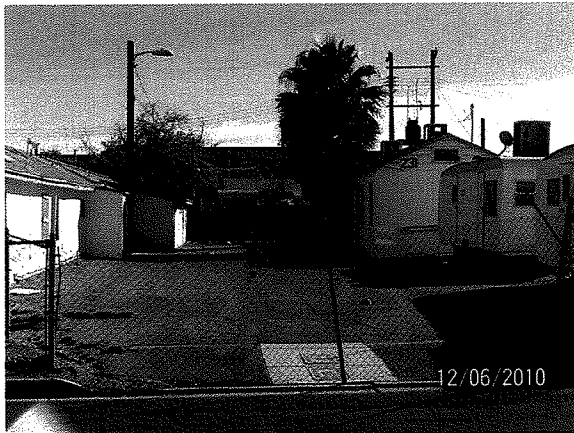
Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas General Conditions of Abatement

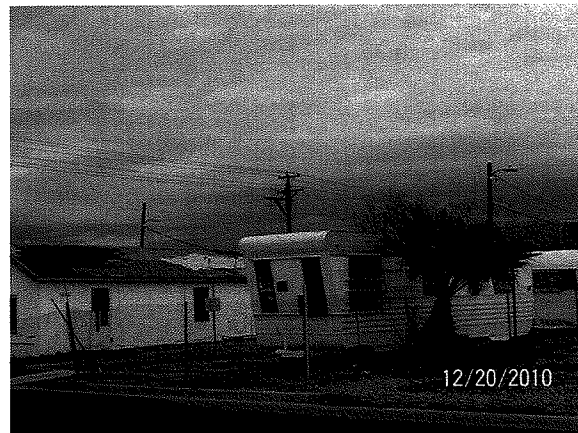
Attachment D

Inspection Pictures

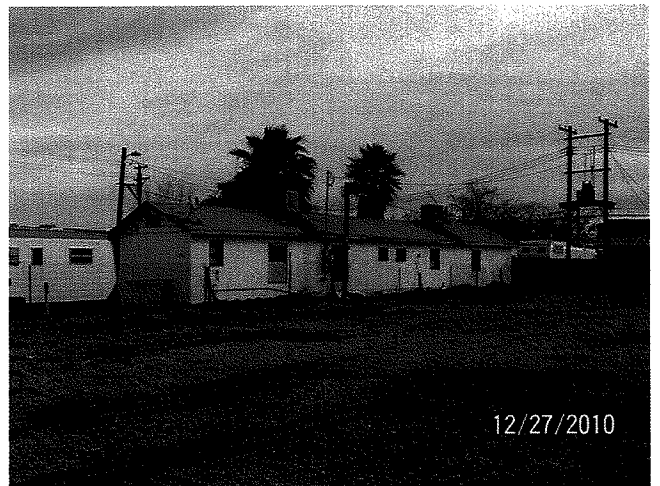
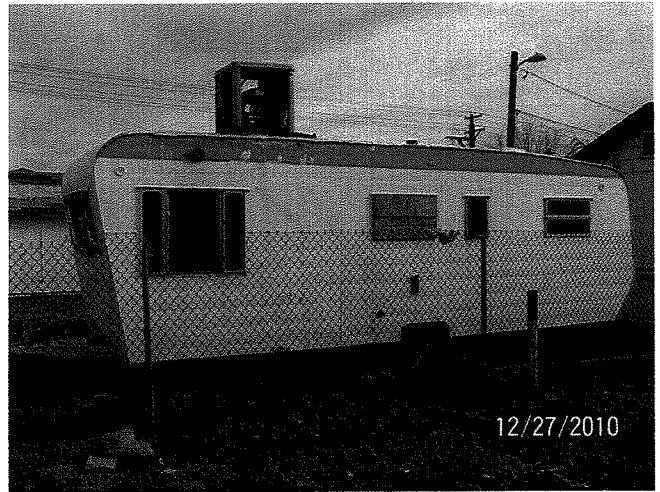
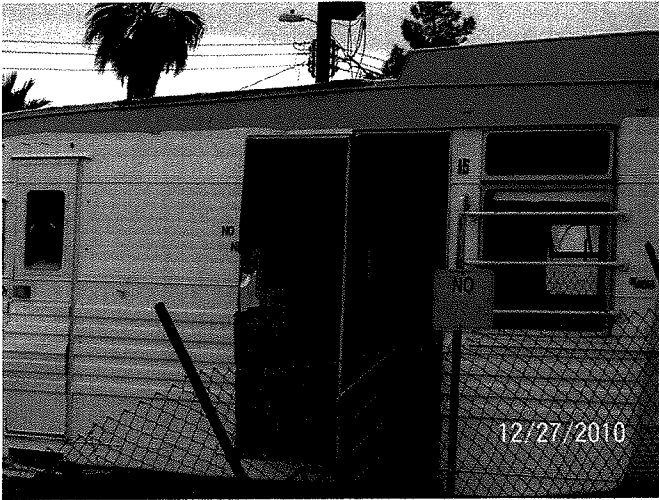
231 N 11th St
Inspection Pictures
Inspection Date: 12-6-2010



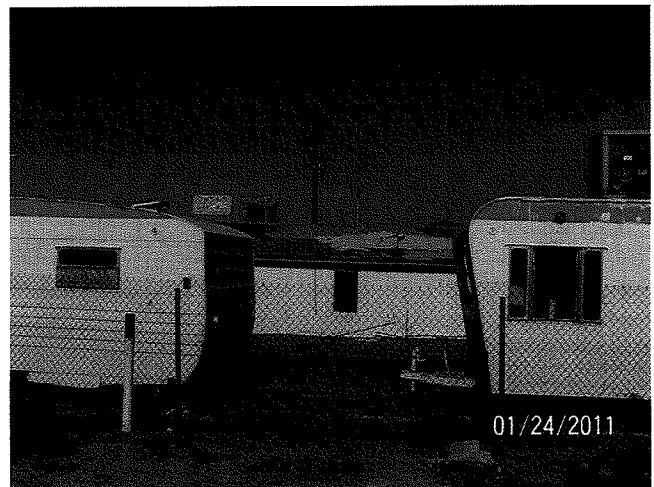
231 N 11th Street
Inspection Pictures
Inspection Date: 12-20-2010



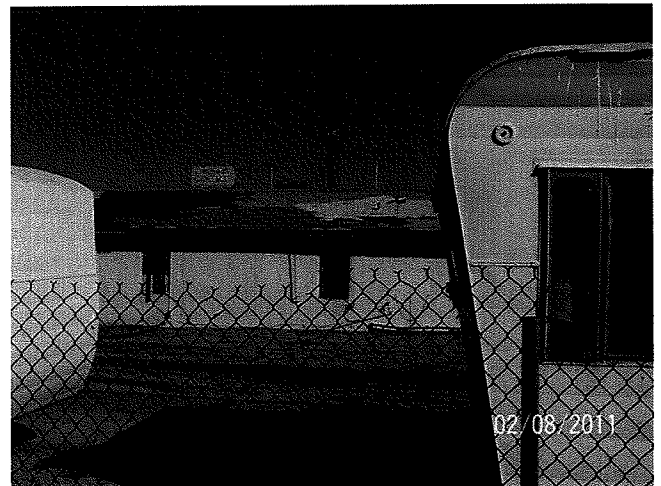
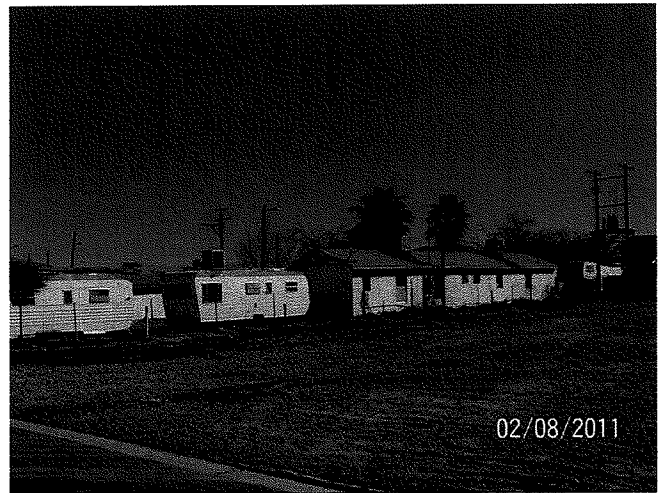
231 N 11th Street
Inspection Pictures
Inspection Date: 12-27-2010



231 N 11th Street
Inspection Pictures
Inspection Date: 1-24-2011



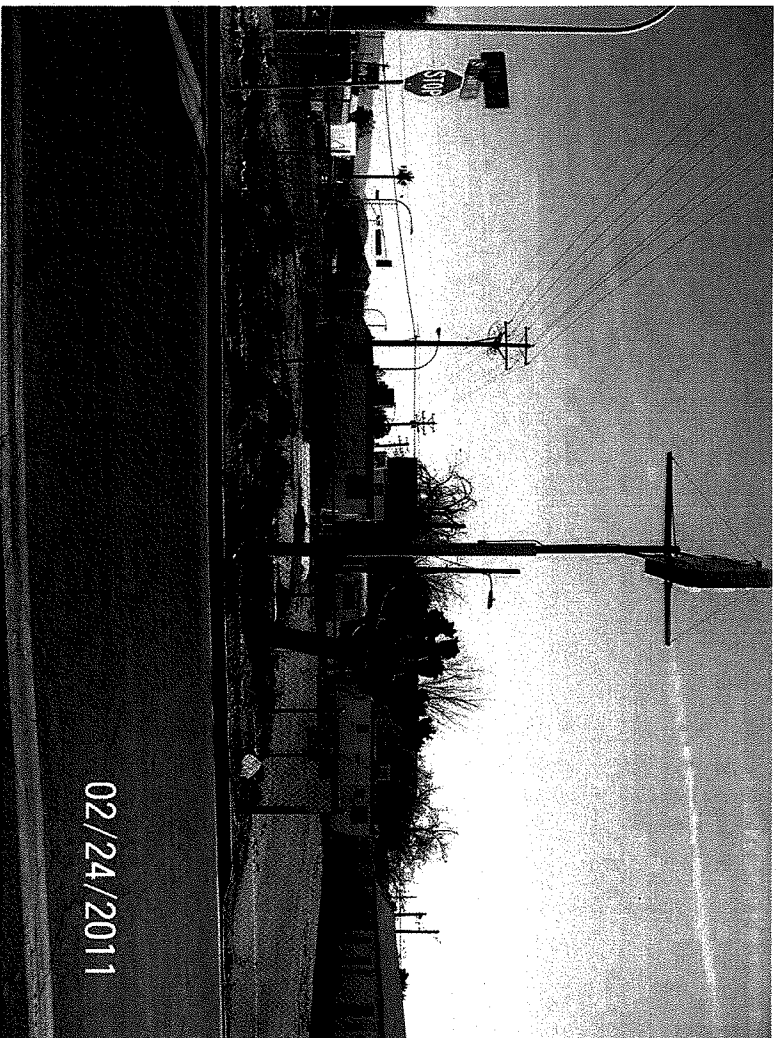
231 N 11th Street
Inspection Pictures
Inspection Date: 2-8-2011



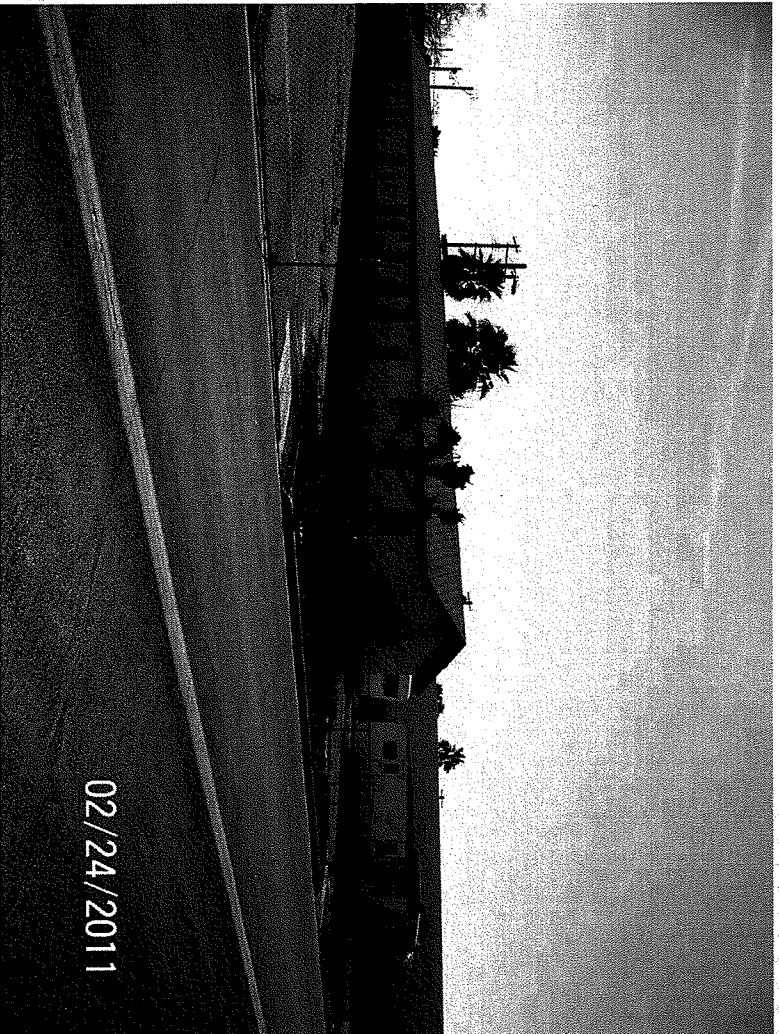
Attachment E

City Council Pictures

231 N. 11TH ST. PRE-ABATEMENT

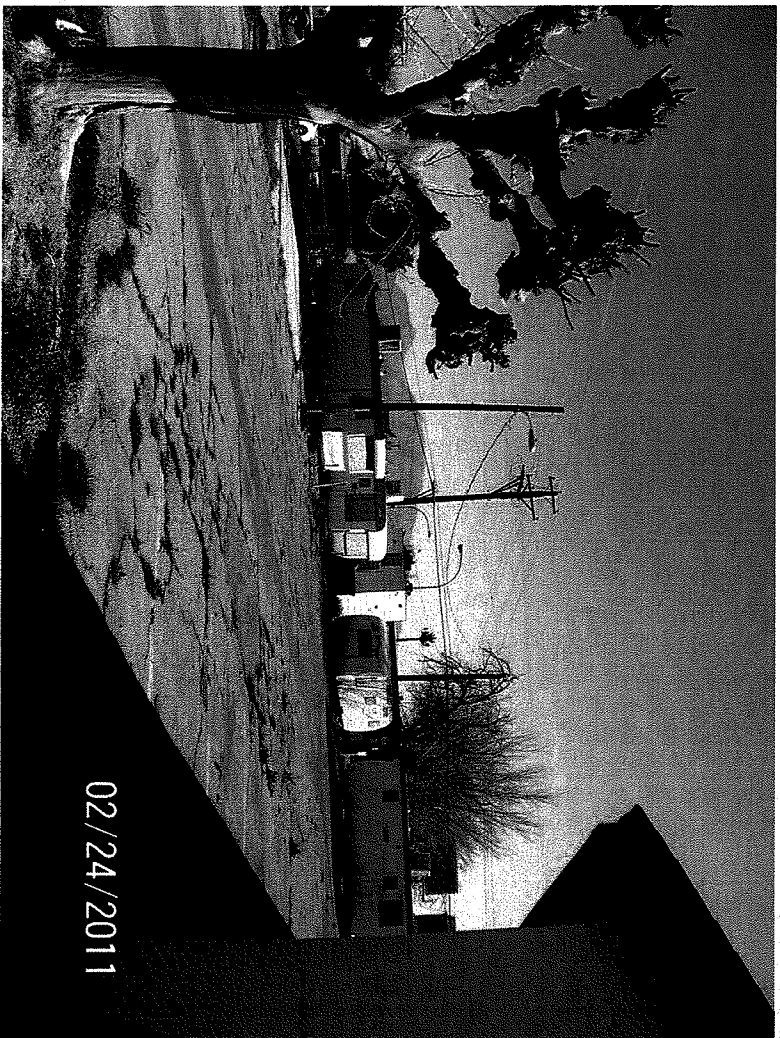


231 N. 11TH ST. PRE-ABATEMENT



02/24/2011

231 N. 11TH ST. PRE-ABATEMENT

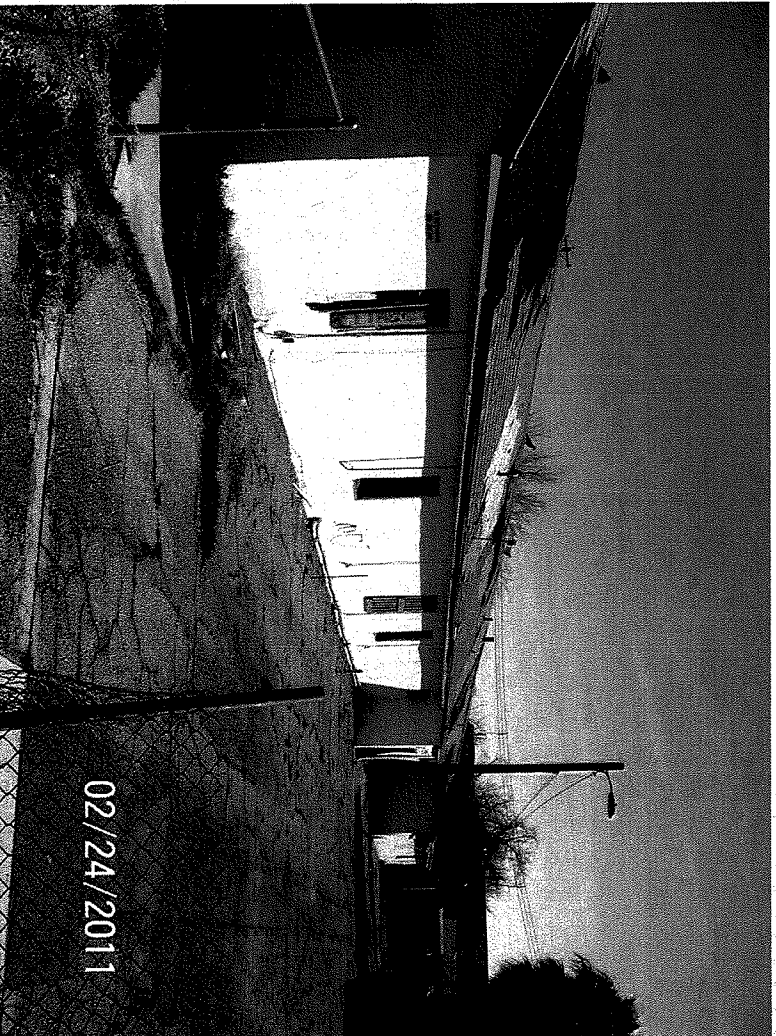


02/24/2011

231 N. 11TH ST. PRE-ABATEMENT

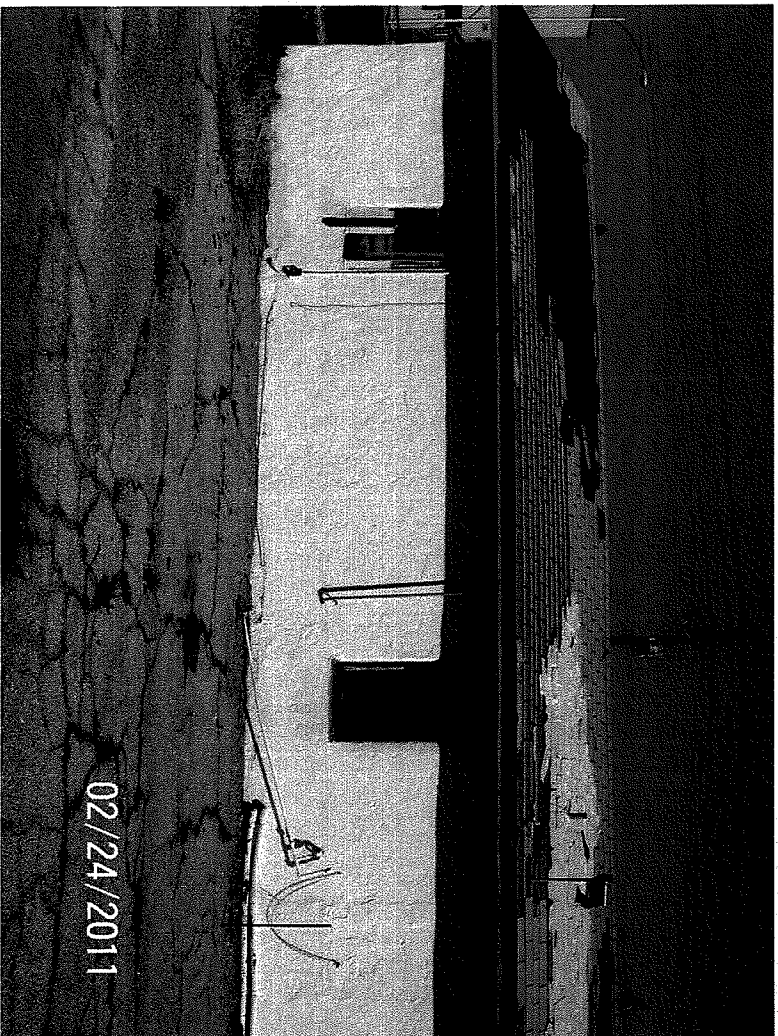


231 N. 11TH ST. PRE-ABATEMENT

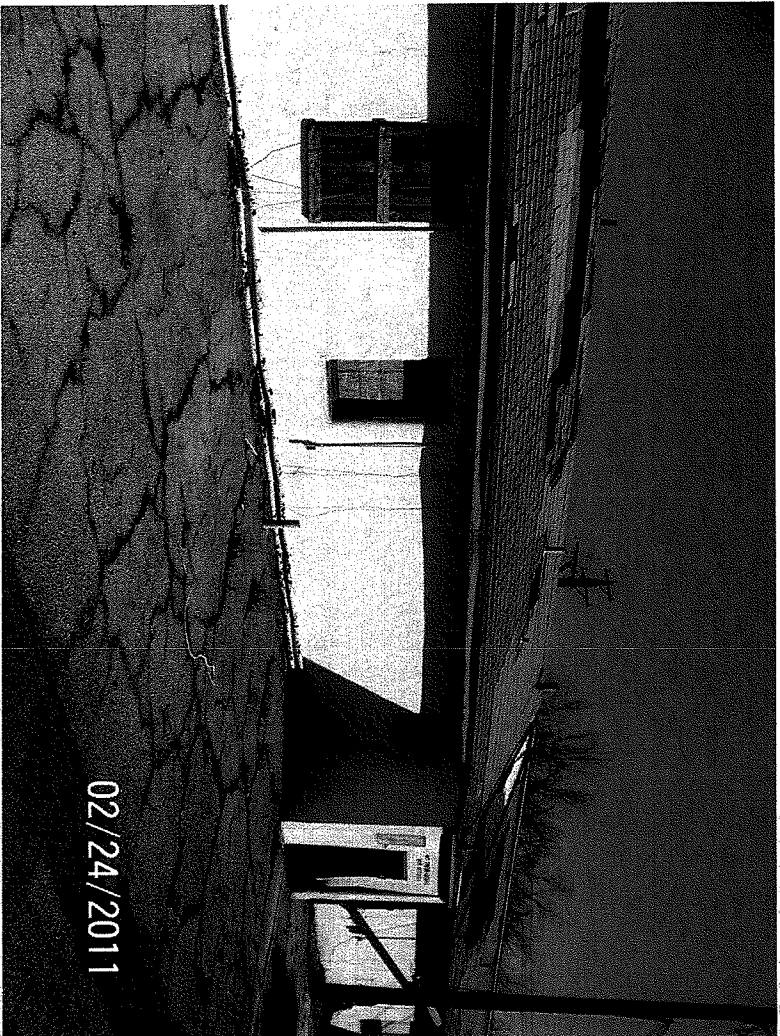


231 N. 11TH ST.

PRE-ABATEMENT

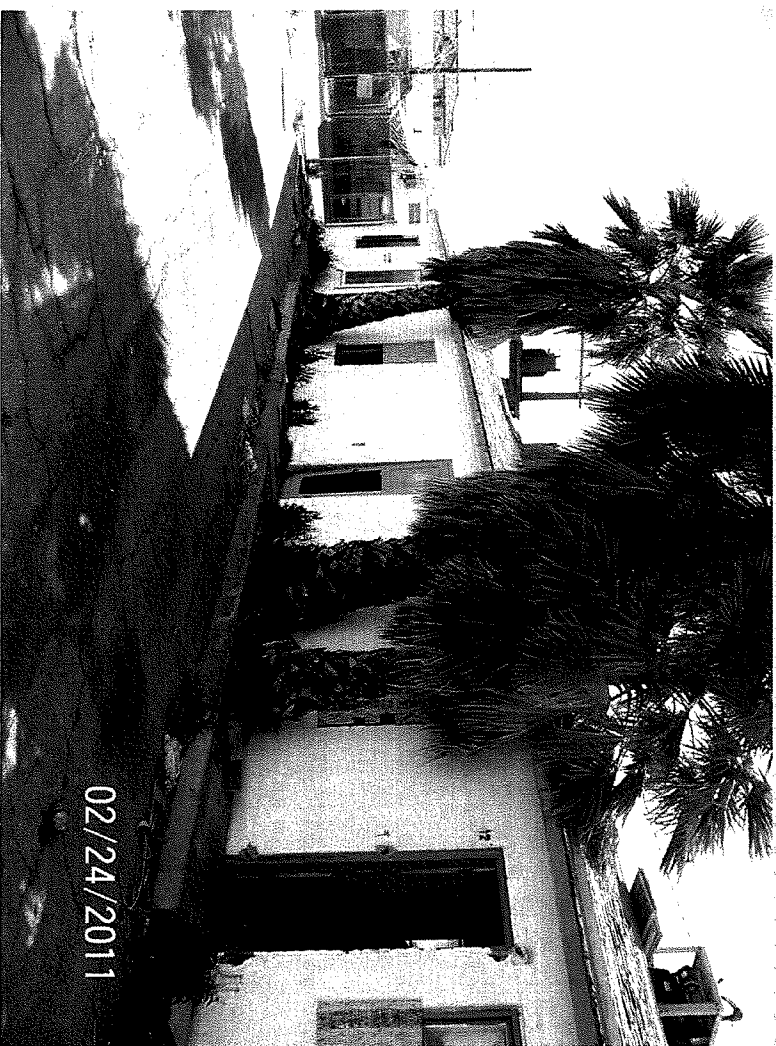


231 N. 11TH ST. PRE-ABATEMENT



02/24/2011

231 N. 11TH ST. PRE-ABATEMENT

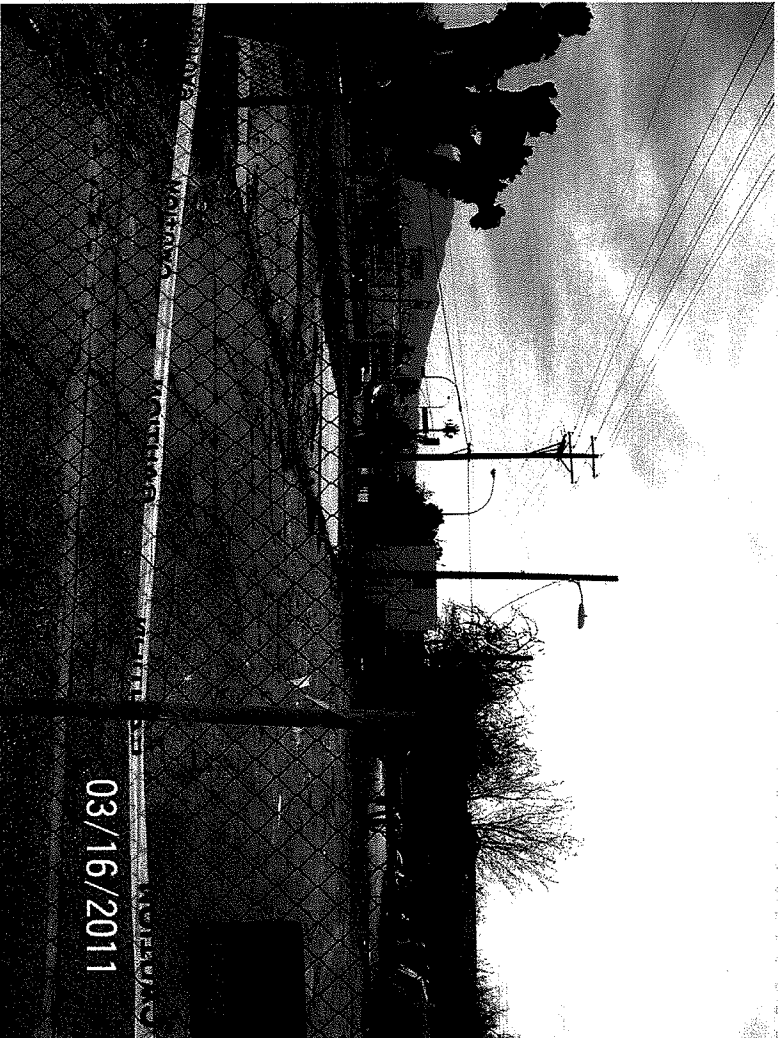


02/24/2011

231 N. 11TH ST. POST-ABATEMENT



231 N. 11TH ST. POST-ABATEMENT



231 N. 11TH ST. POST-ABATEMENT



03/16/2011

231 N. 11TH ST. POST-ABATEMENT



03/16/2011

231 N. 11TH ST. POST-ABATEMENT

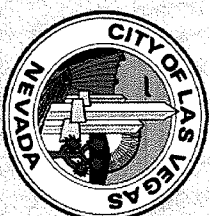
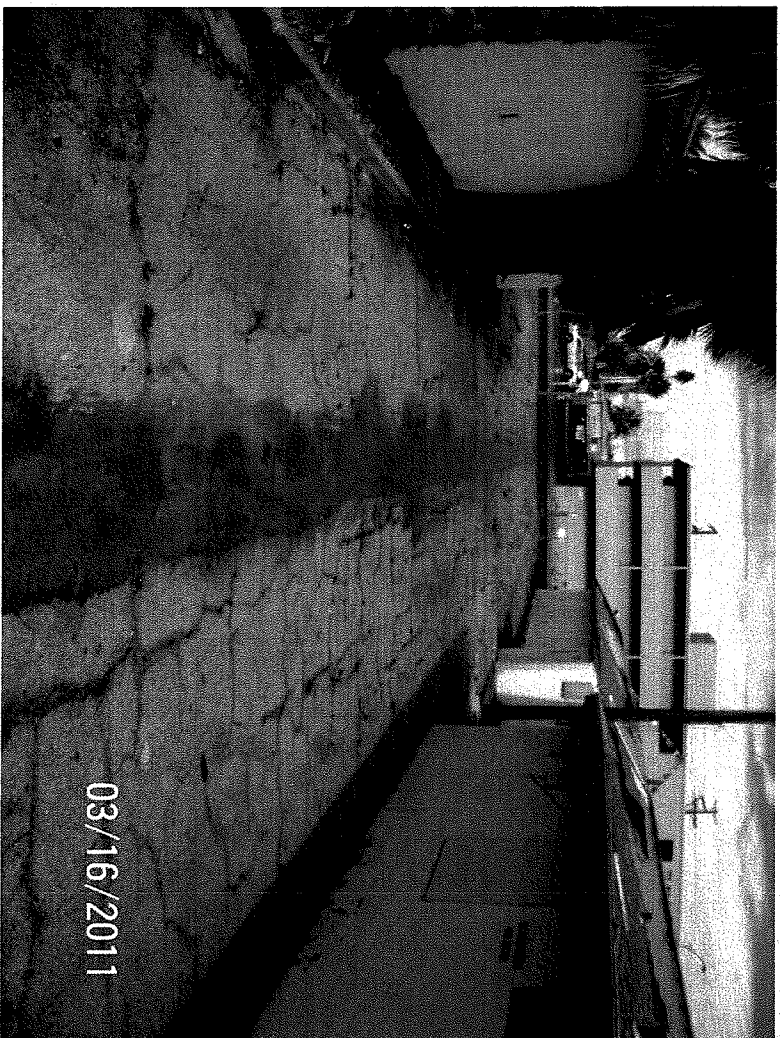


03/16/2011

231 N. 11TH ST. POST-ABATEMENT



231 N. 11TH ST. POST-ABATEMENT



Attachment F

Current Status Pictures

231 N 11th Street
Inspection Pictures
Inspection Date: 5/3/12

