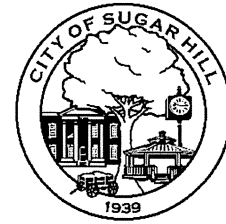


DATE: May 24, 2019
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Summary of Condemnation Order



RECOMMENDED ACTION



ISSUE The property located at 5243 Nelson Brogdon Blvd., Sugar Hill, Georgia 30518 has been determined to be and is declared to be dangerous, unsafe, insanitary and unfit for human occupation. The Property, which has been abandoned for approximately twelve months, was inspected on January 17, 2019 by the Code Enforcement Officer for the City of Sugar Hill, Georgia. Upon inspection, the Code Enforcement Officer found various violations of the city of Sugar Hill Municipal Code and the 2012 International Property Maintenance Code ("IMPC").

Property and building deficiencies:

- Exposed wires at fuel dispensers and the base of light poles.
- Structural failures in pavement; cracks everywhere with grass and weeds growing through the cracks.
- Extensive roof leaks as a result of the advanced deterioration of roof sheathing and decking.
- Roof drainage completely dilapidated; gutters rusted through or missing or disconnected downspouts.
- Questionable whether roof structure can support the weight of the RTUs
- Damage to electrical system; electrical equipment is damaged and obsolete, wiring has been damaged, vandalized and/or stolen.
- Extensive damage to refrigeration units.
- The rear means of egress is blocked by a sanitary drain on the exterior wall.
- Broken windows, glazing dislodged from frame.
- Broken exterior electrical receptacles, Receptacle outlets are not provided with ground fault protection (GFCI).
- The sanitary drain connected to service sink is broken, running outside the building above ground and is not provided with inadequate venting.
- Sanitary drainage line discharges onto the ground surface.
- The entire front soffit / canopy warped and dented.
- Vandalism and graffiti.
- Failing site wall; trees impacting structure.
- Possibly diseased / dying / dead tree present a hazard to the site wall and building.

Illegal activity and municipal code violations:

- Gwinnett County police commercial gambling investigation between 3/6/18 and 4/26/18 led to two arrests.
- The business operator was found to be in possession tetrahydrocannabinol oil, commonly known as THC oil with the intent to distribute.
- There was an unrelated arrest in April of 2019. The police officer who responded to the call indicated that the individual arrested was a lookout for a burglary in progress, but the officer did not enter the store to verify if a second person was inside the store.
- The occupational tax certificate expired in January 31st of 2017.
- The occupational tax certificate was terminated in July 30th of 2018.
- Attractive nuisance and criminal activity; vagrants and vandals entering building through hole in wall at rear of building.

JOSEPH H. TURNER JR., PC
ATTORNEY AT LAW

4964B LAVISTA ROAD
TUCKER, GEORGIA 30084

May 3, 2019

Donna McDaniel
City of Sugar Hill Code Enforcement
VIA EMAIL dmcdaniel@cityofsugarhill.com

RE: 5243 Nelson Brogden Blvd, Sugar Hill, Georgia 30518; Letter dated April 24, 2019;

Dear Ms. McDaniel,

I hope this letter finds you well. This office represents Harjinder Singh, Rommell, Inc. and Om Shiv 5243, LLC. The purpose of this letter is to respond to your above referenced letter of April 24, 2019. Please be advised that my clients dispute the findings detailed in your letter. Please consider this letter as notice of my clients' appeal of your decision.

My clients have hired an architect to complete the drawings of what is to be done at the property. A structural engineer has also been hired to inspect the property. At this time, we dispute the findings that the damage to the roof system and roof drainage, exterior walls, windows, soffit and overhang required the building to be condemned as your post on the property from April 2019 stated. We further dispute that the property is "unsafe and unfit for human occupancy" under sections 108.1.1 and 108.1.3 of the International Property Maintenance Code ("IPMC").

Below is a short synopsis of the repairs and improvements to be completed on the property located at 5243 Nelson Brogden Blvd, Sugar Hill, Georgia 30518 (the "Property")

Job location: Citgo Gas Station
5243 Nelson Brogden Sugar Hill GA

- 1) Have drawings done by an architect, pulling permits etc.
- 2) Have a Structural Engineer
- 3) Work Description - Includes all Material and labor
 - a. Roof -installing new TPO roof
 - b. Windows - -installing new glass of building windows
 - c. Acoustic ceiling - -remove all ceiling tiles
-secure damaged acoustic grid

-installing of all new 2 x 4 ceiling tiles

- d. close in missing cement blocks at whole and add concrete to secure
At back right of building -spray gap foam on all small holes on building
- e. electrical - 1-Install 400amp service
2- install new meter can
3- install new 42 circuit panel
4- Replace cut wires to store lights and outlets pull all necessary permits
- f. HVAC - Equipment Description: 2 Trane 14-SEER 5-Ton Package Units with 80% single-stage gas furnace

Scope of Work: Includes all material, labor, equipment, and necessary permitting for installation of required systems and HVAC responsibilities in accordance with local codes and standard practices including:

- Thermostats and associated low voltage for systems
- One-year maintenance agreement
- One-year labor warranty
- All applicable manufacturer warranties
 - Does not Include any high voltage, duct blaster test, venting of water heater, framing or concrete cutting

4) Notes:

- Back right gas RTU has been damaged beyond repair by thieves (model#:YCC060F1MOBC, serial#: J16159164)
- Back left gas RTU has also been damaged beyond repair due to thieves, and non-availability of damaged evaporator coil (model#:YCD060C3LOBD, serial#: K48101684D)
- Refrigeration unit is also damaged due to thieves; high voltage wires were removed and refrigerant lines were cut, which allows moisture into the system. This unit need requires the services of a refrigeration company

5) Upgrades:

- Gas appliance connections other than gas furnaces
- Additional gas line stub outs
- per system/per year for extended labor warranty and maintenance after first year

6) Additional Notes:

Bath fan exhaust size must be known at the time of the rough-in, or a \$75 charge per fan will apply, to change the size of the exhaust

Please let me know if you have any questions. I look forward to working with you to resolve this issue.

Yours Very Truly,

Joseph H. Turner Jr.
Attorney for Harjinder Singh,
Rommell, Inc. and Om Shiv 5243,

LLC

CONDEMNED

AS

Dangerous and Unsafe

This Structure Known as 5243 Nelson Brighton Blvd.

DANGER — KEEP OUT

All persons are hereby notified to keep out as long as this notice remains posted.

Any person willfully destroying, mutilating or removing this card will be punished to the full extent of the law.

Posted under authority granted in Article _____ Section 108 of the International Property Maintenance Code.

4-25-2019

DATE POSTED

Arden McDaniel

CODE OFFICIAL



April 24, 2019

Om Shiv 5243 LLC
c/o Jayantibhai Patel
3559 Jaydee Ct.
Lilburn, GA 30047

RE: 5243 Nelson Brogdon Blvd , Sugar Hill, Georgia 30518

Mr. Patel,

This letter is written to provide notice that the property located at 5243 Nelson Brogdon Blvd., Sugar Hill, Georgia 30518 (hereinafter referred to as the "Property") has been determined to be and is declared to be dangerous, unsafe, insanitary and unfit for human occupancy. The Property is further described as: All that tract or parcel of structures and appurtenances lying or being in Land Lot 306, of the 7th District of Gwinnett County, Georgia as recorded in Deed Book 49989 Page 0338.

The Property, which has been abandoned for approximately twelve months, was inspected on January 17, 2019 by the Code Enforcement Officer Donna McDaniel for the City of Sugar Hill, Georgia. Upon inspection, Code Enforcement Officer McDaniel found various violations of the 2012 International Property Maintenance Code ("IMPC"), as well as severe damage and deterioration to the structure including the roof system and roof drainage, exterior walls, windows, soffit and overhang in violation of Sections 304.1.1 and 304.4.

On April 16, 2019, Code Enforcement Officer Donna McDaniel and Building Inspector Mauricio Torres were permitted access to the interior of the structure. The plumbing facilities, fixtures, sanitary drainage and venting are severely damaged and deteriorated in violation of Sections 502.5, 504, 505, 506; the mechanical equipment and electrical system are severely damaged and deteriorated in violation of Sections 602, 603 and 604; the rear door is in disrepair and obstructed by a sanitary drainage pipe that impedes safe egress from the building in violations of Sections [F]702.1 and [F]702.3. Further, the retaining wall is in a state of disrepair and is structurally unsound, in violation of Sections 302.7. The exterior paved areas have cracks, the light poles,



April 24, 2019

Harjinder Singh
2340 Ryewood Dr.
Duluth, GA 30096

RE: 5243 Nelson Brogdon Blvd , Sugar Hill, Georgia 30518

Mr. Singh,

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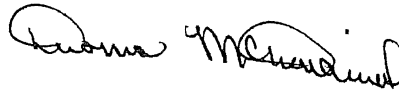
signs and electrical outlets are in state of disrepair and present a hazard to the public in violation of Section 302.3 and 604.3

Based upon the inspection, all structures located on the Property are determined and declared to be unsafe and unfit for human occupancy pursuant to Sections 108.1.1 and 108.1.3 of the IPMC. Pursuant to Section 108, this Property is condemned. No further occupancy of the Property is permitted.

It is hereby ordered that the building, retaining wall exterior light poles and signs be demolished. A demolition permit shall be obtained from the City of Sugar Hill within thirty (30) days of receipt of this letter. All materials, trash, and concrete shall be removed from the site and all gas, plumbing, electrical connections and sewer or septic systems shall be abandoned. Further, the lot shall be graded, seeded and hayed. All work shall be completed no later than May 31, 2019.

You have the right to appeal the decision of the Code Enforcement Officer. Any appeal must be in writing and must be filed with the City Clerk within ten (10) days of the date of this letter. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of this matter. Further, your failure to comply with this order within the time prescribed will result in demolition and debris removal by the City of Sugar Hill, and the cost of such demolition and removal will be charged as a lien against the Property.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna McDaniel", written in a cursive style.

Donna McDaniel
Code Enforcement Officer