

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 5728 GANYMEDE PLACE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 12, CHAPTER 160D OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF PHU T. DAN 5728 GANYMEDE PLACE CHARLOTTE, NC 28227

WHEREAS the dwelling located at 5728 Ganymede Place in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 5728 Ganymede Place in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Senior Assistant City Attorney

IN REM ACTION REQUEST

| PROPERTY INFORMATION | |
|---|--|
| Property Address | 5728 Ganymede Place |
| Parcel Identification Number | 10907418 |
| Council District | 5 |
| Owner(s) | Phu T. Dan |
| Owner Address as listed in public records | 5728 Ganymede Place |
| Historic Designation | No |
| Structure Type re: In Rem Request | Single Family Residential Dwelling |
| Structure Age | 53 years |
| Structure Square Feet | 2,012 |
| Structure Occupied? | Yes, occupant will be relocated prior to demolition. |
| Tax Value of In-Rem Structure(s): | \$236,400 (dwelling unit) |

| ACTION REQUEST | |
|---------------------------|--|
| Type of In Rem Requested | Demolition |
| Estimated Demolition Cost | \$14,610 |
| Lien | Lien will be placed on the property for the cost of demolition |
| Council Priority Area | Great Neighborhoods; Safe Communities |

| CODE ENFORCEMENT | |
|---|--|
| Reason for Inspection | Field Observation |
| Date of Initial Inspection | June 25, 2024. |
| Violations | Structural, plumbing and heating violations. The interior walls and ceiling covering consist of moisture damaged. Holes in interior wall covering. Damaged floor covering and subflooring. Damaged and missing plumbing fixtures. Missing windows. Damaged/decayed floor joists. Damaged roof covering. Missing heating equipment. Rodent infestation. Accessory building not in safe substantial condition. |
| Title Search | 7/17/2024 and updated on 10/9/2025 |
| Parties of Interest revealed by Title Search? | The title search revealed a party in interest (see Definitions section). |
| Owner(s) and party in interest notified of Complaint and Notice of Hearing by certified mail and posting of property: | 4/28/2025 (owner) 6/25/2025 (party in interest) |
| Hearing Date for Owner(s) and party in interest: | 5/21/2025 (owner) 7/22/2025 (Party in interest) |
| Owner(s) and party in interest attendance at hearing: | No |
| Owner(s) to demolish structure by: | 6/23/2025 (owner) 8/25/2025 (party in interest) |
| Extension: | No extensions were requested. |
| Lis Pendens – Complaint Notice of Hearing/Findings of Fact and Order: | 7/24/2025 |
| Repair or compliance with order to demolish: | No |
| Notifications | Owner and parties of interest (if any) have been advised that failure to comply with the Order to Demolish will result in City Council Request for Action to approve demolition by the City and a lien being placed on the property for city's costs. |

STAFF RECOMMENDATION

- In Rem Demolition

Recommendation Rationale

- Structure is dilapidated, unsafe and unfit for human habitation, evidencing a prolonged lack of essential property upkeep and failure to maintain minimum standards of fitness.
- Owner(s) have not repaired structure or complied with the order to demolish.
- City repair cost is conservatively estimated to be \$164,635 (approximately \$81.82 per square foot), which is 69.642% of the structure's assessed tax value.
- Action is recommended to address the health and safety issues and other blighted conditions of the structure.

Definitions:

Dilapidated: Dilapidated, as it applies to dwellings and rooming houses, means that a dwelling or rooming house is unsafe or unfit for human habitation and cannot be repaired, altered or improved to comply with the minimum standards of fitness at a cost not in excess of 65% of its physical value or 50% of a non-dwelling structure or lodging establishment, as determined by a finding of the inspector, and as set forth in the City of Charlotte Minimum Housing Code (Chapter 11) and Buildings and Building Regulations (Chapter 5)

Lis Pendens. Lis pendens is an official notice to the public that a lawsuit involving a claim on a property has been filed.

Parties in Interest. Parties in interest are parties other than property owners that are identified in the Title Search as having an interest in the property. Examples include mortgage holders, banks, and other lien holders.

Reason for Inspection. There are several ways a property inspection can be initiated:

- a tenant can file a complaint if they believe there are violations in their unit.
- a petition signed by five individuals can be submitted to the city.
- a public agency referral can be received (e.g., from CMPD, CFD, CMS, DSS, Mecklenburg County Health, etc.); or
- a field observation by Code Enforcement Staff can occur.

Title Search. A title search is the process of examining public records to determine and confirm a property's legal ownership and identify any claims or liens against it.



Front of structure



Rear of structure



Interior Kitchen



Side entry

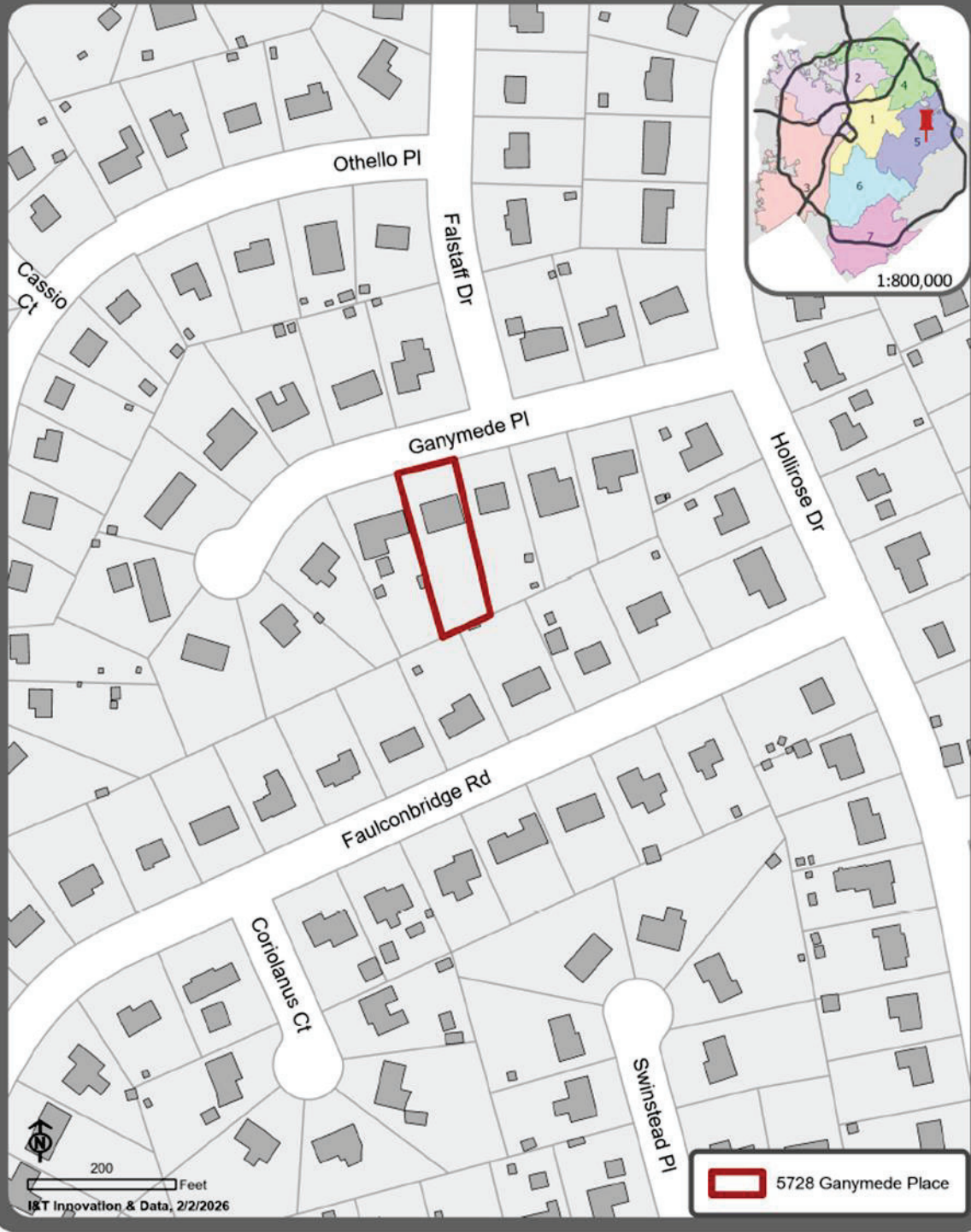


Interior bathroom



Interior bedroom

5728 Ganymede Place



Reference – In Rem Process Following City Council Approval

The following overview is intended to provide further explanation for the process of In Rem actions that are approved by City Council.

- Following In Rem approval by City Council, Housing and Neighborhood Services Code Enforcement Staff initiate Enforcement of the approved action.
- Quotes for contractor services are requested from pre-approved firms chosen through a Request for Proposals (RFP) based on qualifications, experience, cost and responsiveness to RFP requirements.
- Upon receiving quotes for the approved In Rem services, staff authorize the selected firm to proceed with the approved work. Note that if the structure is occupied, relocation of occupants occurs prior to demolition.
- Once the contractors have completed the In Rem services, they submit an invoice to the city and city processes the payment.
- A lien is placed on the property for the city's expenses related to the approved activities, and the lien is filed in the public records.