

Memorandum

TO: City Council
FROM: Niki Hill, AICP , Assistant Community Development Director
DATE: March 17, 2025
SUBJECT: Nuisance Abatement - 3333 Rice Street
ITEM NUMBER: 10.e
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-25, approving the abatement of public nuisances due to property maintenance violations on the Burger King property located at 3333 Rice Street.

INTRODUCTION

The city council is being asked to order an abatement of a public nuisances on the Burger King property located at 3333 Rice Street. The council has the authority to declare and abate nuisances on private property that do not comply with the city's property maintenance standards.

DISCUSSION

There was a fire causing major damage to the Burger King at 3333 Rice Street back in May of 2023. Since that time, there have been numerous instances of vandalism, building break-ins, and repeated dumping of refuse including mattresses and furniture.

The property sat vacant with no action for a number of months as the property owner was working with the franchise operator and insurance settlement. The city had been informed that there was a decision to repair the damage and reopen as a Burger King. The city has made multiple attempts to resolve this issue via letters, phone calls and emails. The property owner had been responsive in the past when the building was unsecured or working on getting the refuse cleaned up. The original case from 2024 was closed. At the end of 2024, the property was once again a target for dumping of refuse and furniture. The property owner was notified of the violations and they have now stopped responding to the city.

Listed below is the section of the code and the violations that have been documented:

City Code [Section 28-6](#)

- (a) All structures, buildings, fences and landscaping shall be maintained so as to prevent unsightliness, health hazards, or unsafe conditions.
- (g) It shall be the responsibility of the owner to restore any exterior surface of any structure or building surface damaged, mutilated or defaced by any marking, carving or graffiti to an approved state of maintenance and repair. Such repair shall be completed

within ten days after the defacement.

- (h) Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

City Code [Section 22-2](#)

- (2) Accumulation of refuse or debris.
- (5) Accumulation in the open of discarded or disused machinery, household appliances, and furnishings, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulations.

Section 22-24 - Abatement Procedure

The conditions identified above are defined as a public nuisances in the City's Code.

Abatement notices are posted on the property or sent via mail to the property owner of record. The notice specifies that the nuisance must be corrected within five (5) working days, and if that nuisance remains, the city council will hold a hearing to order the abatement of the nuisance. The notice also identifies the time and date of the hearing scheduled before the city council. The property owner has the right to appear at the hearing.

If the council orders the abatement, the city will abate the nuisance and the cost of the abatement, including administrative costs, will be charged to the property owner and certified against the property for collection with taxes if the bill is not paid. Staff has prepared Resolution 25-25 ordering the abatement of the public nuisance conditions, for consideration by the City Council.

The Abatement Hearing Notice/Correction Notice has been mailed to the property owner, requiring the property be brought into compliance. If the abatement is ordered, the staff will work to correct the conditions. The cost of correcting the public nuisance condition will be recovered by the City either by a lien against the property, by obtaining a judgment against the owner, or by special assessment.

Included with this report is a resolution to order the abatement of the nuisances on the property at 3333 Rice Street and documentation showing photographs of the conditions at the property.

RECOMMENDATION

Staff recommends that the city council conduct the required hearing and adopt Resolution No. 25-25, approving the abatement of the nuisances at 3333 Rice Street. The order specifies the corrections required to bring the property into compliance with the city's Property Maintenance Codes and would permit the city to abate the conditions. If the council approves the motion, staff will move forward with abatement of the nuisance conditions.

ATTACHMENTS

[Resolution 25-25 - Nuisance Abatement - 3333 Rice Street](#)

Location Map - 3333 Rice Street
3333 Rice Street Packet