

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

HENRY C. SERVICE,)	
)	
Realtor,)	Cause No. : _____
)	
v.)	Division No.: _____
)	
THE CITY OF KANSAS CITY, MISSOURI)	
)	
Respondent,)	
)	
DIRECTOR OF NEIGHBORHOODS AND)	
HOUSING SERVICES DEPARTMENT)	
)	
Respondent)	

PETITION IN MANDAMUS

COMES NOW, Henry C. Service, Realtor, by and through undersigned counsel, and pursuant to Rule 94.01, petitioning this Court to enter an Order in mandamus compelling the Respondent to perform its duties under Sections 506.500, 508.010, 508.030, 82.1026, 56.600-56.619, 56-601, 56-604, 56-600 through 56-619, 56-01, 56-532, 56-532(a)(1), 56-532(a)(2), 56-532(a)(3), 56-532(a)(4), 56-532(a)(7), 56-532(a)(10), 56-532(a)(11), 56-532(a)(12), 56-532(a)(14), 56-532(a)(15), 56-532(a)(18), 56-532(a)(19), 56-603, 56-451, 56-452, 56-453, 56-455, 56-456, 48-46, 48-31, 50-102, 62-89, 56-542, 56-543, and 56-573, RSMo., and to repair its blighted property, maintained in violation of the City of Kansas City, Missouri’s (the “City”) laws and, law of the State of Missouri (the “State”).

STATEMENT OF FACTS

1. That the City, has maintained its blighted properties, on Vine Street, in the City’s Jazz District, is a matter of fact.

2. No credible argument can be made that the properties, owned by the City, on Vine Street, are not blighted.
3. No sensible or reasonable argument can be made that the City's blighted, Vines Street properties, are not in violation of both City and State laws.
4. The City has kept the said blighted properties, on Vine Street, for decades. Indeed, in a city known for Jazz, the City's blighted properties in the Jazz District, add to the lack of viability of the District and, show how the said district has been purposefully neglected.
5. Upon information and belief, the City is weaponizing their blighted properties, on Vine Street, to take over 100% of the Jazz District properties. As has been the pattern, businesses in the City's blighted areas fail. When potentially viable business fail, their vacant properties are often sold at a low cost.
6. The said formerly blighted areas then experience gentrification. As has been the City's pattern, after an area becomes completely gentrified, the City then finds money to develop the area.
7. The Realtor respectfully asks this Court to take judicial notice of the case, that the City filed against a property owner, on Vine Street, to take the property from its owner. The case number is 1816-CV06352.
8. In the said case, the City filed to appoint a receiver and to declare the said business and property owner's property, a vacant and nuisance property.
9. The City's said petition was based on their contention that the said property was in violation of City ordinances and State Laws under Sections 506.500, 508.010, 508.030, 82.1026, 56.600-56.619, 56-601, 56-604, 56-600 through 56-619, 56-01, 56-

532, 56-532(a)(1), 56-532(a)(2), 56-532(a)(3), 56-532(a)(4), 56-532(a)(7), 56-532(a)(10), 56-532(a)(11), 56-532(a)(12), 56-532(a)(14), 56-532(a)(15), 56-532(a)(18), 56-532(a)(19), 56-603, 56-451, 56-452, 56-453, 56-455, 56-456, 48-46, 48-31, 50-102, 62-89, 56-542, 56-543, and 56-573, R.S.Mo.

10. In the stated case, the property owner had already applied for and receive a permit to develop her property and, she had already invested a substantial amount of money into the development and rehabilitation of the said property.
11. The City has neither attempted to develop its blighted properties on Vine Street nor has it sold its properties to a viable developer.
12. One of the City's blighted properties on Vine Street, caught on fire. The said property was said to have been set ablaze when a vagrant set a fire in the roofless building to keep warm.
13. Most recently, the façade of one of the City's blighted buildings fell into the streets. Prior to that, the City's said blighted building experienced a wall collapse, into a parking lot.
14. In the incidences where there has been a fire and wall collapses, the residents in Kansas City were places in jeopardy of serious injury or death.
15. The City's said blighted buildings are maintained in an historic district and, the buildings themselves are historic. Upon information and belief, historic tax credits are associated with the City's blighted buildings. Upon information and belief, the City is receiving money, based on the said tax credits, and maintains the façades of the buildings, to collect on the said tax credits.

16. None of the property owners which, are around the City's blighted buildings, receive any money or benefit from the historic nature of the buildings.
17. The viability of the business on Vine Street, the value of the properties on Vine Street, the safety of the people on Vine Street, and the ability of the Vine Street business owners and, property owners, to help themselves, by forming a Community Improvement District (CID), rests on the City's willingness to develop and make safe, its own properties.
18. The City should not be allowed to break the law, prosecute, and take the property of private property owners based on pro forma allegations of law breaking, collect money based on maintaining blight on Vines Street while, keeping 100% of the unsafe and blighted buildings in a community.
19. The property owners, residents, and business owner on Vine Street and in the Jazz District, represent some of the most vulnerable Kansas City residents.

CITY OWNED PROPERTIES

20. The City of Kansas City owns the following properties, 1523 East 18th Street Kansas City, Missouri 64108, city pin 13244, Jackson County APN:
JA2962011010000000029-620-11-01-00-0-00-000 (attached hereto as Exhibit 1),
1812 Vine Street Kansas City, Missouri 64108, city pin 13245, Jackson County APN:
JA2962011250000000029-620-11-25-00-0-00-000 (attached hereto as Exhibit 2),
1814 Vine Street Kansas City, Missouri 64108, city pin 13246, Jackson County APN:
JA2962011240000000029-620-11-24-00-0-00-000 (attached hereto as Exhibit 3),
1816 Vine Street Kansas City, Missouri 64108, city pin 245571, Jackson County
APN: JA2962011300000000029-620-11-30-00-0-00-000 (attached hereto as Exhibit

4), 1822 Vine Street Kansas City, Missouri 64108, city pin 235614, Jackson County APN: JA2962011290000000029-620-11-29-00-0-00-000 (attached hereto as Exhibit 5) and 1510 East 19th Street Kansas City, Missouri 64108, city pin 13251, Jackson County APN: JA2962011260000000029-620-11-26-00-0-00-000 (attached hereto as Exhibits 24 through 29). The City owns 100% of all the blighted properties in the Jazz District.

THE REALTOR

21. The Realtor owns the Historic Lincoln Building in which he has made a substantial investment. The Realtor is presently the largest private property owner in the Jazz District.

RELIEF SOUGHT

22. The Realtor seeks an Order from this Court compelling the Respondent to develop and bring completely up to code, all its blighted buildings in the Jazz District and specifically on Vine Street. The Realtor seeks an Order from this Court compelling the Respondent to bring all its blighted buildings in the Jazz District and specifically on Vine Street, into compliance with all State and City laws as detailed herein. The Realtor seeks an Order from this Court compelling the Respondent to ensure that all its buildings in the Jazz District and specifically on Vine Street, are safe and fit for occupancy. The Realtor seeks an Order from this Court compelling the Respondent to disgorge all the money that it has been given by the federal government, to develop, make safe, repair, maintain, or otherwise make safe, the buildings in the Jazz District and specifically on Vine Street and, to compensate the businesses on Vine Street for the City's failure to follow the law.

SUGGESTIONS IN SUPPORT THEREOF

Hereinafter, the City owned parcels of property are described as “the Properties.”

- 23. The said City’s Properties contain formerly distinct buildings (“the Structure”).
- 24. The said Structures fall within lots.
- 25. When the above caption writ was filed, the City of Kansas City, Missouri was the owner of record of the said Properties located in lots (see Exhibits), as evidenced by Deeds, recorded with the Jackson County Recorder of Deeds.
- 26. The City of Kansas City has represented itself as the owner of the said Properties and the agent of the Property on City forms and in testimony before public meetings. The city of Kansas City.
- 27. Pursuant to Sections 506.500, 508.010, 508.030, R.S. Mo, jurisdiction and venue are proper because the Respondent is the owners of record and possessors of the Properties, which are in Kansas City, Jackson County, Missouri.

GENERAL ALLEGATIONS

- 28. By virtue of the authority vested in the City by the Constitution and laws of Missouri, and by its Charter, and by virtue of powers inherent in a municipal corporation, the City has adopted the Code of Ordinances of Kansas City, Missouri (“Code”).
- 29. The Code contains codes and ordinances for the promotion of the health, safety, commerce, comfort, morals, prosperity, and general welfare of the public, among which are ordinances to protect the public from vacant nuisance buildings or structures which constitute blight or pose a threat to the health, safety, or welfare of the public.

30. Pursuant to the authority granted through Sections 82.1026, et seq., R.S.Mo., the City enacted an ordinance which established procedure to determine whether a vacant building or structure is a vacant nuisance. The ordinance is codified in Chapter 56 entitles the Property Maintenance Code, Article VII, Vacant Building Receiver, Section 56.500-56.619 of the Code.
31. The ordinance authorized the Director of the Neighborhoods and Housing Services Department (“Department”), or the Director’s designee to implement the ordinance.
32. Code Section 56-604 provides that is the nuisance conditions are not abated, remedied or repairs after 60 days from written notice mailed or personally served to any of the parties in interest, the Director, or the Director’s designee may request that the City attorney file a petition for appointment of a receiver to rehabilitate, demolish, and/or sell the property in the circuit court of the state in the county in which the property is located.
33. The City of Kansas City, Missouri is neither following its own laws, nor directing its officials to implement its own policies, concerning the properties that are the subject of this Writ.

BASIS FOR THE RELIEF SOUGHT

34. The said Properties are vacant and a nuisance pursuant to Code Sections 56-600 through 56-619.
35. The said Properties are vacant under Code Section 56-601 due to the lack of constant presence by human beings with the legal right to be on the property and the cessation of all lawful business operations. Kansas City Water Department’s records show that water been ended.

36. The following dangerous conditions exist at the said Properties in violation of the City's Codes:

- a. Structure lists, leans, and/or is buckled, §56-532(a)(1).
- b. Structure is wrecked, warped, and/or is settled, §56-532(a)(2).
- c. Structure may collapse, §56-532(a)(3).
- d. Substantial damage to the structure, §56-532(a)(4).
- e. Dilapidated, detrimental to area, §56-532(a)(18).

37. The Structures should be repaired within 30 days, according to law. The following dangerous conditions of the said Properties in violation of the Code, exist in the said Properties:

- a. Structure lists, leans, and/or is buckled, §56-532(a)(1).
- b. Structure is wrecked, warped, and/or is settled, §56-532(a)(2).
- c. Structure may collapse, §56-532(a)(3).
- d. Egress is blocked or insufficient, §56-532(a)(7).
- e. Unsanitary conditions, unfit, unsafe §56-532(a)(10).
- f. Unsafe for the purpose it is used, §56-532(a)(11).
- g. Violation of code requirements, §56-532(a)(12).
- h. Fire hazard, deteriorated, §56-532(a)(14).
- i. Electrical system damaged, unsafe, §56-532(a)(15).
- j. Dilapidated, detrimental to area, §56-532(a)(18).
- k. Public nuisance, §56-532(a)(19).

38. The Structures are dangerous buildings under the Code and that the Properties are public nuisances.

39. The Realtor, requests that The City of Kansas City Missouri, remedy or repair the following nuisance conditions within sixty (60) days from the date this document has been filed:

- a. There is exterior surface materials are not protected against weathering. § 56-451 of the Code.
- b. There is peeling paint on the exterior trims. § 56-452 of the Code.
- c. Panes of windows are cracked, broken, or missing. § 56-455 of the Code.
- d. Windows allow entry of weather. § 56-455 of the Code.
- e. Exterior doors are not present. § 56-456 of the Code.
- f. Rotting boards on exterior walls. § 56-452 of the Code.
- g. Structures have graffiti on exterior walls. § 48-46 of the Code.
- h. Roofs have holes in them, § 56-453 of the Code.
- i. Roofs are not structurally sound. § 56-453 of the Code.
- j. Holes in exterior walls. § 56-542 of the Code.
- k. Brick veneers are loose on exterior walls. § 56-452 of the Code.
- l. Bricks are missing from exterior walls. § 56-542 of the Code.
- m. Gutters are in disrepair/section of downspouts are missing. § 56-453 of the Code.
- n. Exterior brick masonry walls have a severe bow. § 56-531(a)(1) of the Code.
- o. Roof structures have partially or completely collapsed. § 56-531(a)(2) of the Code.
- p. Second floors are unstable due to partial or complete collapse. § 56-532(a)(7) of the Code.

- q. The Structures are boarded on the first floor, second floor, or third floors and, they remain boarded with no means of egress. § 56-532(a)(7) of the Code.
 - r. The commercial buildings are unfit and unsafe for human habitation and cannot be used as commercial buildings because of the damages to the roofs, interior walls, and out of plumb exterior walls. §§ 56-532(a)(10) and 56-532(a)(11) of the Code.
 - s. The Properties are vacant blighted and have a detrimental effect on the general welfare and wellbeing of the community. § 56-532 of the Code.
 - t. The Properties statuses as vacant and blighted, adversely affect the property values of surrounding properties. § 56-532 of the Code.
 - u. The Properties, due to the length of vacancy, are enticements to crime such as trespass and illegal dumping. § 56-532 of the Code.
 - v. The current state of the Properties are public nuisances because the status of being boarded and the long-term vacancy of the Structure is an attractive nuisance for children and open to criminal activity. §§ 56-532(a)(12) and 56-532(a)(19) of the Code.
 - w. The Properties have remained vacant for over 150 days and continues to be vacant. §§ 48-31 and 56-601 of the Code.
 - x. The Properties are not currently registered with the City of Kansas City as vacant properties. § 56-573 of the Code.
40. The Structures have not been repaired and the dangerous conditions have not been remedied or repaired.

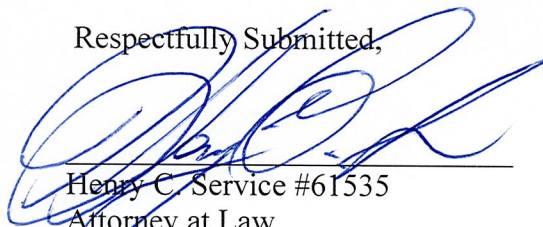
41. The following nuisance conditions have not been abated, remedied, or repaired as of the date of the filing of this petition:

- a. There are exterior surface materials are not protected against weathering. § 56-451 of the Code.
- b. There is peeling paint on exterior trims. § 56-452 of the Code.
- c. Panes of windows are cracked, broken, or missing. § 56-455 of the Code.
- d. Windows allow entry of weather. § 56-455 of the Code.
- e. Exterior doors are not present. § 56-456 of the Code.
- f. Rotting boards on exterior walls. § 56-452 of the Code.
- g. Structures have graffiti on exterior walls. § 48-46 of the Code.
- h. Roofs have holes, § 56-453 of the Code.
- i. Roofs are not structurally sound. § 56-453 of the Code.
- j. Holes in exterior walls. § 56-542 of the Code.
- k. Bricks veneers are loose on exterior wall. § 56-452 of the Code.
- l. Bricks are missing from exterior walls. § 56-542 of the Code.
- m. Gutters are in disrepair/section of downspouts ae missing. § 56-453 of the Code.
- n. Exterior masonry walls have severe bows. § 56-531(a)(1) of the Code.
- o. Roofs Structures are partially or completely collapsed. § 56-531(a)(2) of the Code.
- p. Floors are unstable due to partial or complete collapse. § 56-532(a)(7) of the Code.

- q. The Structures are boarded on the floors and remain boarded with no means of egress. § 56-532(a)(7) of the Code.
- r. The commercial buildings are unfit and unsafe for human habitation and cannot be used as commercial buildings because of the damages to the roofs, interior walls, and out of plumb exterior walls. §§ 56-532(a)(10) and 56-532(a)(11) of the Code.
- s. The Properties are vacant blighted and, have a detrimental effect on the general welfare and wellbeing of the community. § 56-532 of the Code.
- t. The Properties statuses as a vacant and blighted, adversely affect the property values of surrounding properties. § 56-532 of the Code.
- u. The Properties, due to the length of vacancy, are an enticement to crime such as trespass and illegal dumping. § 56-532 of the Code.
- v. The current state of the properties as a public nuisance because the status of being boarded, and the long-term vacancy of the Structures are attractive nuisances for children and open to criminal activity. §§ 56-532(a)(12) and 56-532(a)(19) of the Code.
- w. The Properties have remained vacant for over 150 days and continues to be vacant. §§ 48-31 and 56-601 of the Code.
- x. The Properties are not currently registered with the City of Kansas City vacant property. § 56-573 of the Code.

WHEREFORE, the Realtor, requests that this honorable Court grant the relief requested herein and for any other relief deemed necessary and appropriate,

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Henry C. Service', is written over a horizontal line.

Henry C. Service #61535
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Kansas City, Missouri 64108
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Fax: 816-421-1386
E-mail: Henry@servicelaw.net
REALTOR

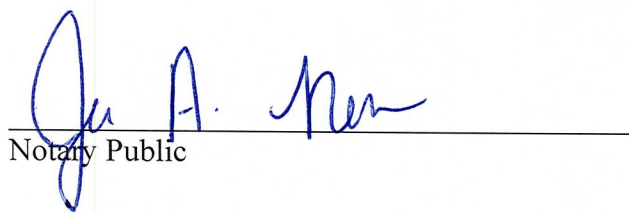
VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

I, HENRY C. SERVICE, being the first duly sworn, state that I am the Realtor herein and that I have read the foregoing Writ, and all facts stated therein are true to the best of my knowledge and belief.


Henry C. Service

Subscribed and sworn to before me this 2nd day of July , 2021


Notary Public

Jessica A. Nelson
Notary Public-Notary Seal
STATE OF MISSOURI
Commissioned for Clay County
My Commission Expires: 03/15/2024
ID. #16704990