



Application for Appeal

1. Applicant: Jacobsen, Orr, Lindstrom & Holbrook, P.C., L.L.O
2. Property Owner (if not applicant): Leotor Asset Holdings, L.L.C.
3. Property Owner's Address: 4908 115th Street, Lubbock, TX 79424
4. Telephone Number: (308) 234-5579 E-Mail Address: nuhrmacher@jacobsenorr.com
5. Address or Legal Description of Property
623 N. Washington, Lexington, NE 68850
6. Reason for appeal of judgment
 1. The true intent of the code or the rules legally adopted there under have been incorrectly interpreted.
 2. The provisions of the code do not fully apply to the property
 3. The requirements of the code are adequately satisfied by other means
 4. The City gave Leotor Asset Holdings, L.L.C. improper notice regarding building code violations

Prepared and Submitted

by: /s/ Nathan R. Uhrmacher

Coy T. Clark, #27028

cclark@jacobsenorr.com

Nathan R. Uhrmacher #28542

nuhrmacher@jacobsenorr.com

JACOBSEN ORR, LINDSTROM

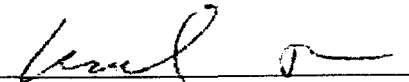
& HOLBROOK, P.C., L.L.O.

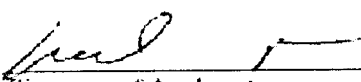
Attorneys at Law

5408 Global Drive | P. O. Box 1060

Kearney, NE 68848-1060

(308) 234-5579 | (308) 234-9305 (fax)


Signature of Owner


Signature of Applicant

Administrative Use Only

Date Received _____	Fee <u>\$75.00</u>	B O A Case Number _____
Hearing Date _____		Approved Denied
Date of Appeal _____		

August 7, 2026

COY T. CLARK
cclark@jacobsenorr.com
NATHAN R. UHRMACHER
nuhrmacher@jacobsenorr.com

SENT VIA U.S. MAIL

City of Lexington
Board of Adjustments
406 East 7th Street
P.O. Box 70
Lexington, NE 68850-0070

Re: Appeal of Condemnation Notice

To whom it may concern:

Be advised that this firm represents Leonel Torres. This firm has been retained to represent Mr. Torres regarding the Condemnation Notice served on him on July 25, 2026. Attached to this letter is the completed Board of Adjustments Appeal Application. The basis for the appeal is included in the application. Please direct any further communications to this office.

If you wish to discuss this matter, please contact our office at your earliest convenience.

Regards,

JACOBSEN, ORR, LINDSTROM
& HOLBROOK, P.C., L.L.O.
Attorneys at Law


Nathan R. Uhrmacher
NRU:mm
Enc.



308-324-2341 ♦ Fax: 308-324-4590 ♦ www.cityoflex.com
406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

June 26, 2026

LEOTOR ASSET HOLDINGS LLC
4908 115TH STREET
LUBBOCK, TX 79424

To Whom It May Concern:

This letter serves as formal notice that the City of Lexington has received a complaint indicating that the property located at 623 N. Washington may be in violation of the City of Lexington's adopted 2009 International Property Maintenance Code.

To allow the Building Inspector to make an official evaluation of the property, please schedule an inspection no later than July 10th, 2026. Following the inspection, if any violations are identified, you will receive written documentation outlining the specific issues and the timeframe required for correction.

To schedule the inspection, please contact the Development Services Department at (308) 324-2341, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Your timely cooperation in addressing this matter is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Harris".

Jason Harris
Building Inspector
Development Services Department
City of Lexington
jharris@cityoflex.com



308-324-2341 ♦ Fax: 308-324-4590 ♦ www.cityoflex.com
406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

July 20, 2026

LEOTOR ASSET HOLDINGS LLC
4908 115TH STREET
LUBBOCK, TX 79424

To Whom IT May Concern:

This letter serves as official notice that the structure located at 623 N. Washington, Lexington, NE 68850 has been condemned by the City of Lexington pursuant to the 2009 International Property Maintenance Code.

An inspection conducted on July 17th, 2026 determined that the structure on the above referenced property is considered an unsafe structure pursuant to the 2009 IPMC Section 108.1.1.

As property owner, you are hereby being directed to bring the structures into full compliance with minimum standards established by the 2009 IPMC no later than January 20th 2027. A building permit will be required to bring into full compliance.

You have a right to appeal this notice and order by filing a written application for appeal with the Board of Adjustments. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you and shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please, feel free to contact me to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Harris", is written over a horizontal line.

Jason Harris
Building Inspector
Development Services Department
City of Lexington
(308) 324-2341 Ext. 1111

2009 International Property Maintenance Report Violations

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

SECTION 302
EXTERIOR PROPERTY AREAS

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

SECTION 304
EXTERIOR STRUCTURE

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

SECTION 305

INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 309

PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

SECTION 501

GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

[P] SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

[P] SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any pre-mises that do not comply with the requirements of this chapter.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

In each room used for sleeping purposes.

In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building

wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Comments: Pictures on file to reference code violations.

Bill Brecks

From: Jason Harris
Sent: Tuesday, August 11, 2026 2:54 PM
To: Bill Brecks
Subject: FW: Apartment Building

Jason Harris
City of Lexington
406 E 7th Street
P.O. Box 70
Lexington, NE 68850
jharris@cityoflex.com
308-324-2341 x 1111

From: Hoeft, Mike <mike.hoeft@nebraska.gov>
Sent: Tuesday, August 11, 2026 10:59 AM
To: Jason Harris <jharris@cityoflex.com>
Subject: Apartment Building

Jason here is the answers I gave the gentleman that called about his building in Lexington.

- A) He asked about the fire alarm system that was in the corridors only I read him the code which is posted below and that it appeared that because he only had 11 apartments that he would not be required to install a Fire Alarm System. When asked when it was last inspected could not tell me so I advised him that it has to be maintained and inspected Bi-annually by a licensed Inspector otherwise it's a deficiency.

31.3.4.1.1 Apartment buildings four or more stories in height or with more than 11 dwelling units, other than those meeting the requirements of 31.3.4.1.2, shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 31.3.4.2 through 31.3.4.5.

31.3.4.1.2 A fire alarm system shall not be required where each dwelling unit is separated from other contiguous dwelling units by fire barriers (see Section 8.3) having a minimum 1/2-hour fire resistance rating, and where each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at the finished ground level

- B) We discussed the requirements for working smoke detectors within the living units had to be installed in all sleeping rooms within each unit and outside the sleeping rooms and had to be interconnected meaning if one goes into alarm they all go into alarm. However, he could use in each apartment the residential smokes and that each apartment is on their own system. They do not have to be interconnected all together.

1.3.4.5.1* In buildings other than those equipped throughout with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.

C) When asked about Exit signs and Emergency Lighting in the corridors and stairways he stated that there were units there but didn't know if they were working properly.

31.2.8 Illumination of Means of Egress. Means of egress shall be illuminated in accordance with Section 7.8. 31.2.9 Emergency Lighting. Emergency lighting in accordance with Section 7.9 shall be provided in all buildings four or more stories in height or with more than 12 dwelling units, unless every dwelling unit has a direct exit to the outside of the building at grade level. Windowless corridors and egress stairs require emergency lighting.

31.2.10 Marking of Means of Egress. Means of egress shall have signs in accordance with Section 7.10 in all buildings requiring more than one exit.

D) We discussed the separation of the stores below the apartments have to be separated by one hour from the apartments and / or the building being protected by a complete automatic sprinkler system.

31.1.3.3 Multiple dwelling units shall be permitted to be located above a nonresidential occupancy only where one of the following conditions exists:

(1) Where the dwelling units of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a minimum 1-hour fire resistance rating

(2) Where the nonresidential occupancy is protected throughout by an approved, supervised

automatic sprinkler system in accordance with Section 9.7 (3) Where not more than two dwelling units are located above a nonresidential occupancy that is protected by an automatic fire detection system in accordance with Section 9.6

He could not tell me if the separation was still in tack and would have to have his maintenance guy check into that. I advised him if the above were not there or maintained the building was not in compliance with the Fire Code, and he would need to bring the building back into code. He asked about Grandfather and I advised him there were not Grandfather codes.

We want to hear from you! Please click here to fill out a very short survey about your experience: <https://www.surveymonkey.com/r/XJBDHGC>

Michael Hoeft

Deputy State Fire Marshal | District C

Nebraska State Fire Marshal Agency

Cell 308-530-9493

mike.hoeft@nebraska.gov

sfm.nebraska.gov | [Facebook](#)