

Resolution denying Beatrice Rodriguez appeal, thereby upholding the Building Standards Board order to demolish the buildings and structures on the property located at 4501 Mokry Drive.

Whereas, the Building Standards Board (the "Board") held a public hearing on March 31, 2016, at 1:30pm regarding property located at 4501 Mokry Drive and after making certain findings ordered the structure or premises be removed or demolished by the owner, lien holder or mortgagee, within thirty (30) days pursuant to the attached Final Order of the Building Standards Board Case No. 62240-110515; and

Whereas, the owner of 4501 Mokry Drive (the "Appellant") filed a written notice of appeal of the Board's order with the City Secretary's Office on April 12, 2016, in accordance with Section 13-24(a) City of Corpus Christi Code of Ordinances (the "Code") and Article VI, Section 2 of the City Charter (the "Charter"); and

Whereas, Section 13-24(a) of the Code and Article VI, Section 2 of the Charter authorize the City Council to hear Appeals of the Board's decision; therefore this Council properly has jurisdiction of this appeal; and

Whereas, after hearing the evidence, the City Council makes the following findings related to the property located at 4501 Mokry Drive:

1. The Code Enforcement division of the Police Department complied with the procedural requirements for eliminating substandard conditions pursuant to Section 13-22 of the Code; and
2. The Board held a public hearing on March 31, 2016, at 1:30pm. The owner did not appear, and no authorized representatives appeared on behalf of the owner. After considering the testimony and reviewing the documentation and information submitted by City staff and after affording the owner and/or other interested parties the opportunity to address the Board and present testimony, documentation and information, the Board found that the structure or premises could not be repaired because of the refusal of the owner or its intrinsic state of disrepair or both and is dilapidated or substandard and ordered removal or demolition by the owner, lienholder or mortgagee, within 30 days; and
3. The walking surface of an aisle, passageway, stairway, exit or other means of egress of the buildings and structures is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
4. Portions of the buildings and structures have been damaged by fire, deterioration, neglect, abandonment, and vandalism and therefore are

- considered dangerous and deemed substandard pursuant to section 108.1.5 of the Corpus Christi Property Maintenance Code (the "CCPMC"); and
5. The buildings and structures are clearly unsafe for its use and occupancy and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 6. The buildings and structures are neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structures to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building and structure for committing a nuisance or an unlawful act and therefore are considered dangerous and deemed substandard pursuant to section 108.1.5 of the CCPMC; and
 7. The photos attached of 4501 Mokry Drive further support the finding that the buildings and structures are dangerous and substandard; and
 8. Pursuant to Section 101.3 of the CCPMC the spirit and purpose of the Code is to ensure public health, safety and welfare of the residents of this City insofar as they are affected by the continued occupancy and maintenance of structures and premises; and
 9. The Appellant does not reside at 4501 Mokry Drive; and
 10. The Appellant has not alleged or establish that an error was committed by the Board; and
 11. The Appellant has failed to establish that the Board's decision would have caused undue hardship.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

Section 1. The Council declares the recitals in the above paragraphs are true and correct.

Section 2. The Appellant's appeal is hereby denied.

Section 3. The Board's attached order requiring the owner, lien holder or mortgagee to demolish the buildings and structures on the property located at 4501 Mokry Drive is upheld.

Section 4. Not applicable unless amendment is made to specifically adopt in place of the aforementioned Sections 2 and 3:

The Board's attached Order is modified as follows:



**FINAL ORDER OF THE
BUILDING STANDARDS BOARD
Case No. 62240-110515**



Property Owner(s)
OWNER: Beatrice A. Rodriguez
ADDRESS: 4501 Mokry
CITY STATE ZIP- Corpus Christi, Texas 78415

RE: 4501 Mokry
LOT: 1
BLOCK: 2
ADD' N: Central Park

This final order is issued pursuant to the authority granted to the Building Standards Board ("Board") of the City of Corpus Christi, ("City"), Nueces County, Texas in accordance with the Charter of the City, Chapter 13 of the City's Code of Ordinances ("Code") and the Texas Local Government Code.

On **March 31, 2016**, the City of Corpus Christi Building and Standards Board held a public hearing and made the following findings regarding the building located at the above referenced property:

1. Pursuant to the provisions of Chapter 13 of the Code, on **November 5, 2015** an inspection for substandard conditions was made of the building(s) or structure(s) located within the City at the above referenced property;
2. On **November 5, 2015** a notice of violation(s) and request to correct the violation(s) was sent to the owner and all known interested parties. Additionally, on **February 5, 2016** and **February 6, 2016** notice of violation(s) was posted in the Corpus Christi Caller Times;
3. Thirty days elapsed since the notice of violation(s) was provided and such violation(s) were not cured;
4. Code Official, Diana T. Garza, filed a complaint with the Chairman regarding the above listed property on **March 14, 2016**, and the public hearing was held not less than ten days and not more than 45 days after the complaint was filed;
5. Notice of the public hearing was sent to the owner and all known interested parties on **March 14, 2016**, which was at least ten day prior to the public hearing. Additionally, on **March 14, 2016** and **March 15, 2016** notice of the public hearing was posted in the Corpus Christi Caller Times;
6. After considering the testimony and reviewing the documentation and information submitted by City Staff and after affording the owner and/or other interested parties the opportunity to address the Board and present testimony, documentation and information the Board finds the building located at the above referenced property is substandard and/or constitutes a nuisance.
7. The City of Corpus Christi will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the action ordered below is not taken within the allotted time.
8. In the event there are items of personal property in the premises to be demolished, the owner is ordered to remove personal property from the premises within 30 days. If such items of personal are not removed from the premises within 30 days, they shall be placed in storage for a period of 90 days. During this period they may be redeemed by the owner after all costs incurred in placing the items in storage and all accumulated storage fees have been paid. In the event the property is not redeemed within 90 days the City may cause the same to be sold at auction. The proceeds of the sale shall be used to pay for any costs incurred in the storage of the property and any excess amount shall be set off against the cost of demolition to be charged to the owner.

The Board further finds:

- The substandard building shall be ordered secured by the owner, lien holder or mortgagee from unauthorized entry within 30 days.

OR

- The substandard building or structure can reasonably be repaired by the owner, lien holder or mortgagee, so as to be in compliance with this code, therefore it shall be ordered repaired within thirty (30) days. Repairs must be in compliance with City Ordinance Section 13-22 (G).
- The substandard building or structure can reasonably be repaired by the owner, lien holder or mortgagee, so as to be in compliance with this code, therefore it shall be ordered repaired within ____ (31 days to 90 days) days. Repairs must be in compliance with City Ordinance Section 13-22 (G). Further, the owner, lien holder or mortgagee shall secure the property in a reasonable manner from unauthorized entry while the work is being performed and work shall be commenced and performed in accordance with the time schedules established by the Board, to wit:
- The substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public, therefore it shall be ordered to be vacated within ____ days. The building or structure shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code within thirty (30) days.
- The substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public, therefore it shall be ordered to be vacated within ____ days. The building or structure shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code within ____ days. Work shall be commenced and performed in accordance with the time schedules established by the Board, to wit:
- ✓ — The structure or premises cannot be repaired because of the refusal of owner or its intrinsic state of disrepair or both and is dilapidated or substandard, therefore, it shall be ordered removed or demolished by the owner, lien holder or mortgagee, within thirty (30) days.
- The structure or premises cannot be repaired because of the refusal of owner or its intrinsic state of disrepair or both and is dilapidated or substandard, therefore, it shall be ordered removed or demolished by the owner, lien holder or mortgagee, within ____ (31 days to 90 days) days.

OR

The Board finds that the owner, lien holder or mortgagee has submitted a detailed plan and time schedule for the work and the owner, lien holder or mortgagee has established that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work; therefore:

- The owner, lien holder or mortgagee is required to regularly submit progress reports to the Board to demonstrate compliance with the time schedules established for commencement and performance of the work, to wit:
- The owner, lien holder or mortgagee shall report monthly to the code enforcement office with progress reports.
- The above listed property, including structures or improvements on the property, exceeds \$100,000, in total value the owner, lien holder or mortgagee shall post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing the building or structure not later than the 30th day from the date of this order.

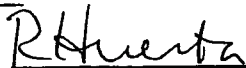
Joel De La Garza FOR/AGAINST
Lee R. Hassman FOR/AGAINST
Matthew Ezell FOR/AGAINST


Tim Honea FOR/AGAINST
Craig S. Loving FOR/AGAINST
Dante C. Miller FOR/AGAINST

Ordered this 31st day of March, 2016.

Date Filed 4/6/16 8:37am

Signed under authority of the Board:
Chairperson

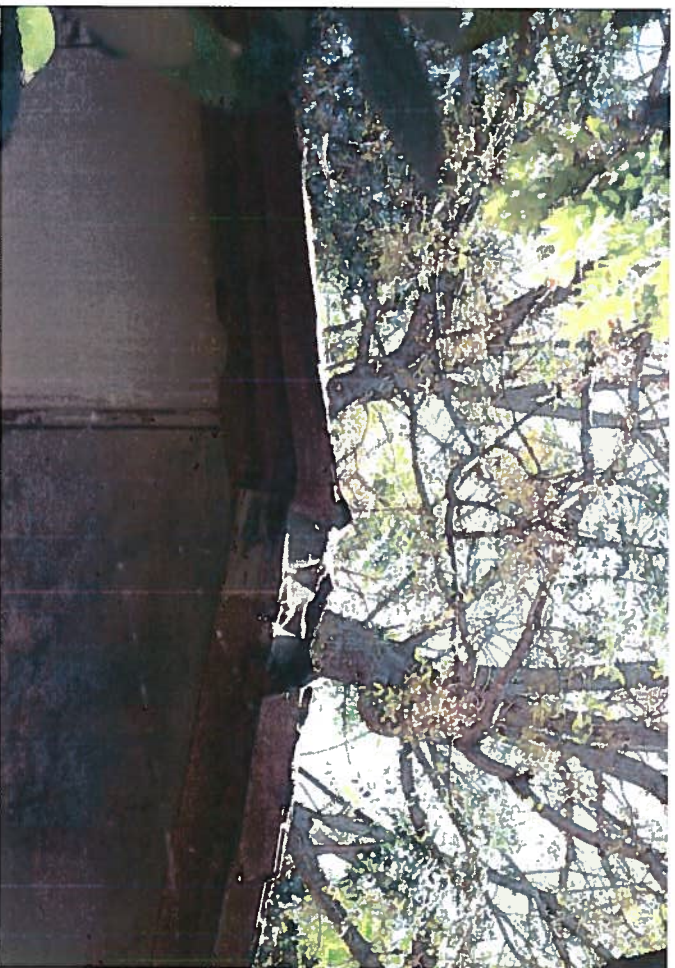

Rebecca Huerta
City Secretary


Signed under the authority of the Board:
Vice-Chairperson

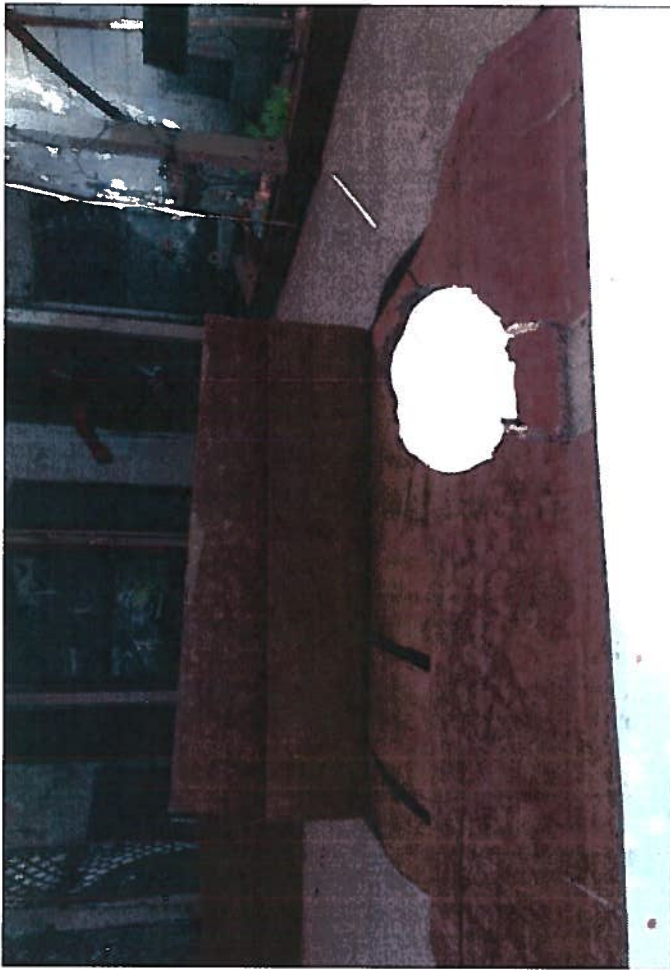
Filed . . City Secretary DATE TIME

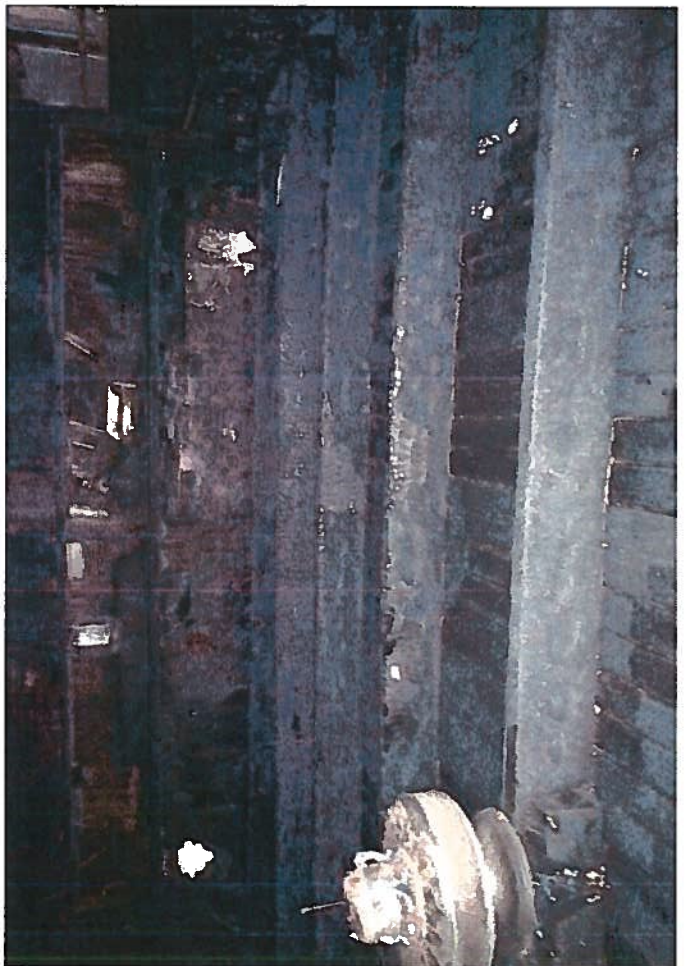


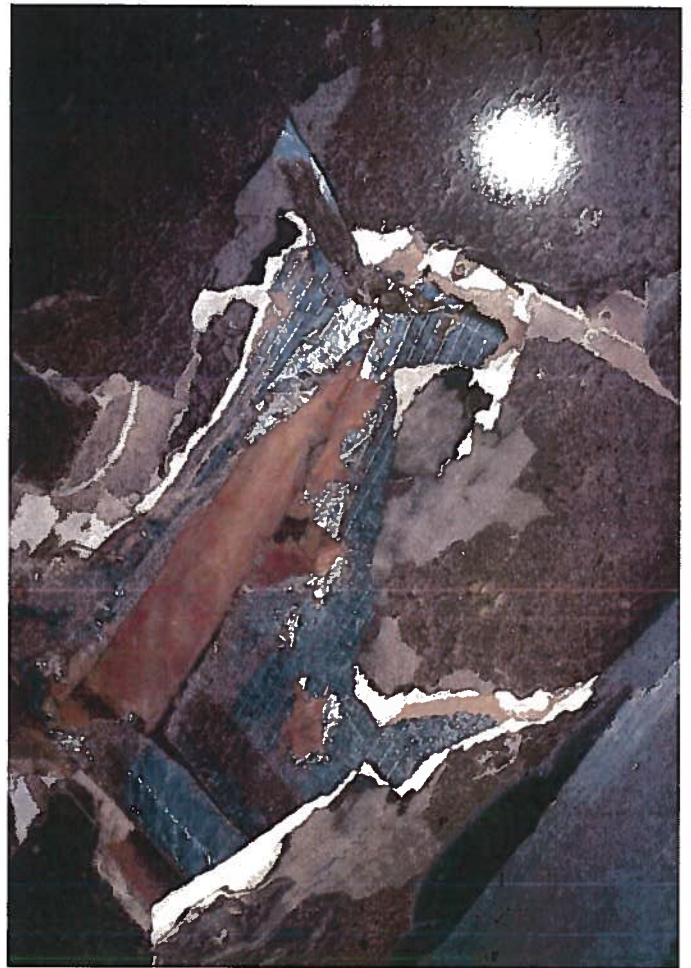
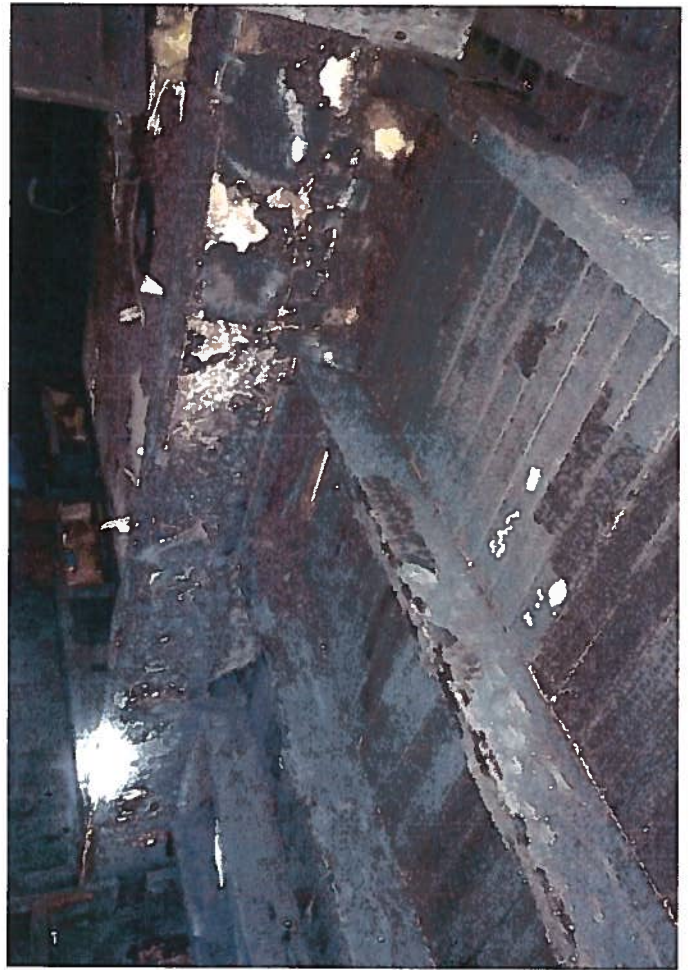




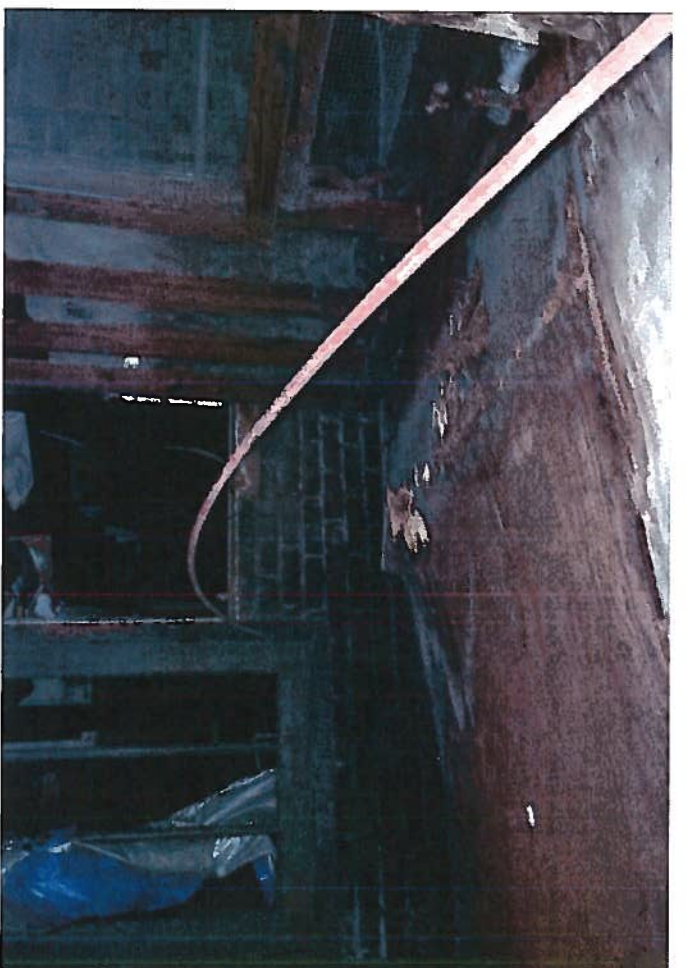












PASSED AND APPROVED this _____ day of _____, 2016 at a Regular Meeting of the City Council of the City of Corpus Christi, Texas.

ATTEST:

CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

Corpus Christi, Texas

_____ of _____, 2016

The above resolution was passed by the following vote:

Nelda Martinez	_____
Rudy Garza	_____
Michael Hunter	_____
Chad Magill	_____
Colleen McIntyre	_____
Brian Rosas	_____
Lucy Rubio	_____
Mark Scott	_____
Carolyn Vaughn	_____

Corpus Christi, Texas

_____ of _____, 2016