



AGENDA MEMORANDUM

Action Item for the City Council Meeting April 27, 2021

DATE: March 26, 2021

TO: Peter Zaroni, City Manager

FROM: Liza Lopez, Code Compliance Program Manager, Code Enforcement Division,
Police Department
(Lizac@cctexas.com)
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Building Standards Board Hearing Appeal for 309 Hiawatha Street

CAPTION:

Resolution denying Raquel Ordonez's appeal, thereby upholding Building Standards Board order to demolish the dilapidated/substandard buildings and structures on the property located at 309 Hiawatha Street.

SUMMARY:

Ms. Raquel Ordonez has requested the City Council to hear and consider an appeal of a decision of the Building Standards Board regarding property located at 309 Hiawatha Street.

BACKGROUND AND FINDINGS:

Due to the substandard and dilapidated condition of the residential structure at 309 Hiawatha Street, a hazard to the health, safety, and welfare check was performed on January 28, 2021.

As a result of the check, the Building Standards Board ordered the structure at 309 Hiawatha Street to be removed or demolished by the owner, lienholder or mortgagee within thirty (30) days. If demolition is not started and completed as required, then the City be authorized to demolish.

Per section 13-24 of the Code, an owner or occupant may appeal a decision of the Board to the City Council. The City Charter, Article VI, Section 2, states that appeals shall be perfected by filing a sworn notice of appeal with the City Secretary within thirty (30) days from the date of the decision. Raquel Ordonez submitted a notice of appeal in writing on February 24, 2021 in keeping with City code.

The property at 309 Hiawatha Street is owned by Leonor Palacios. Ms. Palacios has been deceased since December 22, 1995. The property has not had active utilities since 2013. A search of the county probate records did not show that any probate proceedings are pending or

had ever been filed for Ms. Palacios. Officer Garza spoke to Esmeralda Rodriguez who advised her grandmother, Leonor Palacios, did not leave a will. At the time of Leonor Palacios death, she was survived by two sons (Cecilio Palacios Jr. and Robert Palacios) and six daughters (Leah Arreola, Angie Abundez, Odula Malone, Delia Hernandez, Minerva Palacios and Nora Innocencio).

The appellant, Raquel Ordonez, is the daughter of Nora Innocencio who is an heir to the property. Staff sent all required notices regarding 309 Hiawatha to Nora Innocencio at the California address listed in the tax foreclosure lawsuit and 309 Hiawatha Street. Research conducted by Staff did not reveal that Ms. Innocencio was deceased. However, Staff also sent notices to all of Leonor Palacios' unknown heirs. Ms. Ordonez did not contact Code Enforcement until February 8, 2021 after the Board's order to demolish was mailed out to all owners, lienholders, potential owners, and heirs.

As of 2021, five of Leonor Palacios' nine children are now deceased. Staff was unable to locate any probate proceedings for any of Ms. Palacios deceased children. If Ms. Palacios' heirs died without wills, their children are now possible heirs including Raquel Ordonez. The property would be considered co-owned by all of heirs. There are approximately over 30 potential heirs to this property.

There is a current tax lawsuit pending and the amount of taxes owed at this time is \$14,969.41.

During an appeal, the City Council acts in a quasi-judicial capacity to determine the facts and to determine whether the structure requires demolition. After hearing presentations from staff and from the appellant, the Council can decide to deny the appeal (uphold the Building Standards Board order) or to sustain the appeal (reversing the Board's order in whole or in part). Under Section 13-24(b), the Council may vary the application of any provision of Chapter 13 of the City Code when the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code, the Corpus Christi Property Maintenance Code or public interest or when, in its opinion, the decision of the board should be modified or reversed. A decision of the City Council to vary the application of any provision of the Code or the Corpus Christi Property Maintenance Code, or to modify an order of the board in whole or in part shall specify in what manner such modification is made, the conditions upon which it is made and the reasons therefore. The decision of the City Council shall be final unless the aggrieved party appeals by instituting suit for that purpose in any court having jurisdiction within fifteen (15) days from date on which the decision of the City Council was rendered.

ALTERNATIVES:

1. Sustain the appeal (reversing the Board's order in whole or in part).

FISCAL IMPACT:

Non-applicable

Funding Detail:

Fund: **Non-Applicable**

Organization/Activity:

Mission Element:

Project # **(CIP Only):**

Account:

RECOMMENDATION:

Deny the appeal by approving the proposed resolution (uphold Building Standards Board order

to demolish the property located at 309 Hiawatha Street).

LIST OF SUPPORTING DOCUMENTS:

- Email Transmission re: Proposed Deadlines
- Intermediate Proposed Deadlines
- Reinspection Photos as of 5/26/2021
- Resolution – Affirming the Building Standards Board order to demolish the property located at 309 Hiawatha Street within 30 days.
- Final Order of Building Standard Board Case No. V145244-082020
- Minutes of Building Standards Board Meeting January 28, 2021
- Case Timeline for 309 Hiawatha Street
- Spreadsheet of Notices sent
- Location Map & 309 Hiawatha Street Aerial photo
- Evidence Photos
 - a) Initial Inspection photos – 09/04/20
 - b) Reinspection photos – 09/11/20
 - c) Reinspection photos – 10/16/20
 - d) Reinspection photos – 12/22/20
 - e) Reinspection photos – 01/26/21
 - f) Reinspection photos for appeal – 04/08/2021
- Notice of Appeal – Raquel Ordonez
- Notice of City Council meeting – Building Standards Board Appeal