

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

**Whereas**, the Building Standards Board (the "Board") held a public hearing on January 28, 2021, at 1:30pm regarding property located at 309 Hiawatha Street and after making certain findings ordered the structure or premises be removed or demolished by the owner, lienholder or mortgagee, within thirty (30) days pursuant to the attached Final Order of the Building Standards Board Case No. V145244-082020; and

**Whereas**, the an heir/possible co-owner of 309 Hiawatha Street (the "Appellant") filed a written notice of appeal of the Board's order with the City Secretary's Office on February 24, 2021, 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 309 Hiawatha Street:

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 January 28, 2021, at 1:30pm. The owner Ms. Leonor F. Palacios is deceased and no one appeared to speak in favor or opposition of staff's recommendation to demolish the structures located at 309 Hiawatha Street. 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 building or structure has a walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the International Property Maintenance Code as adopted by the City of Corpus Christi Code of Ordinances (the "IPMC"); and

4. The building or structure, or any portion of the building, structure or appurtenance has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged, or which cannot be expected to withstand winds of hurricane force and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
5. The building or structure, or any portion of the building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
6. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
7. The building or structure is clearly unsafe for its use and occupancy and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
8. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure 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 is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
9. The building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
10. The buildings 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, electrical,

- 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 it is likely to cause sickness or disease, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
11. The 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 and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
  12. The building or structure or any portion of a building or structure remained on a site after the demolition or destruction of the building or structure or the building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public and therefore is considered dangerous and deemed substandard pursuant to section 108.1.5 of the IPMC; and
  13. The photos attached of 309 Hiawatha Street further support the finding that the buildings and structures are dangerous and substandard; and
  14. Pursuant to Section 101.3 of the IPMC the spirit and purpose of the Code is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Further, existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required in the IPMC; and
  15. The Appellant has not alleged or establish that an error was committed by the Board; and
  16. 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 309 Hiawatha Street 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:



PASSED AND APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2021:

Paulette M. Guajardo \_\_\_\_\_

Roland Barrera \_\_\_\_\_

Gil Hernandez \_\_\_\_\_

Michael Hunter \_\_\_\_\_

Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_

Ben Molina \_\_\_\_\_

Mike Pusley \_\_\_\_\_

Greg Smith \_\_\_\_\_

ATTEST:

CITY OF CORPUS CHRISTI

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Paulette M. Guajardo  
Mayor



## Code Enforcement Division Police Department



01/28/2021

CERTIFIED LETTER # 7017 3380 00000 6319 5821

PALACIOS LEONOR F.  
309 HIAWATHA ST.  
CORPUS CHRISTI, TX. 78405

RE: 309 HIAWATHA ST  
Legal Description: AUSTIN BLK 8 LOT 14

The Building Standards Board met at 1:30 P.M. on 01/28/2021 in the Council Chambers, 1201 Leopard, to hear matters concerning the substandard building(s) located at the above referenced property. A final order of the Board's decision made on that date is enclosed. The period of time allowed you to comply with the decision of the Board commences from the date of the enclosed order.

The owner or occupant, or his/her duly authorized agent, may appeal the decision of this Board to the City Council. Such appeal must be perfected by filing a sworn notice of appeal with the City Secretary within thirty (30) days from the date of notice of the Board's written decision which is the date of this letter. This appeal must state specifically any error alleged to have been committed by the Board or that the decision of the Board would cause undue hardship and state the reasons for the hardship. Prior to the institution of any appeal in a court of law by an aggrieved person from a decision of the Board, appeal must first be perfected to the City Council. 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 the date on which the decision of the City Council was rendered.

It may be necessary for you to obtain the proper permits before initiating demolition or repairs as required by the Board. A permit can be obtained at Development Services located at 2406 Leopard Street, Corpus Christi Texas. Please contact Code Enforcement Division located at 1201 Leopard Street prior to obtaining the permit(s).

Please contact Diana T. Garza, Building Standards Board Liaison, if you have any questions regarding this matter. She can be reached at (361) 826-3009.

Sincerely,  
Diana T. Garza  
Building Standards Board Liaison  
Code Enforcement Division

Attachment: FINAL ORDER OF THE BUILDING STANDARDS BOARD  
Case number: V145244-082020



# FINAL ORDER OF THE BUILDING STANDARDS BOARD

Case Number: V145244-082020



Property Owner(s)  
PALACIOS LEONOR F.  
309 HIAWATHA ST.  
CORPUS CHRISTI, TX. 78405

RE: 309 HIAWATHA ST  
Legal Description: AUSTIN BLK 8 LOT 14

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 01/28/2021, 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 8/20/2020 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 9/11/2020 a notice of violation(s) and request to correct the violation(s) was sent to the owner and all known interested parties. Additionally, on 09/11/2020 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 10/26/2020, 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 1/5/2021, which was at least ten days prior to the public hearing. Additionally, on 10/26/2020 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 property 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.



# FINAL ORDER OF THE BUILDING STANDARDS BOARD

Case Number: V145244-082020

The board further finds:

- The substandard building shall be ordered secured by the owner, lien holder or mortgagee from unauthorized entry within 30 days
- 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 the 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 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 structured 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, is shall be ordered removed or demolished by owner, lien holder, or mortgagee, within thirty (30) days.
- The structured 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, is shall be ordered removed or demolished by owner, lien holder, or mortgagee, within \_\_\_\_ (31 days to 90 days) days.

OR

The Board finds 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 establish that the work cannot reasonably be completed within 90 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 the amount adequate to cover the cost of repairing, removing or demolishing the building or structure not later than the 30<sup>th</sup> day from the date of this order.

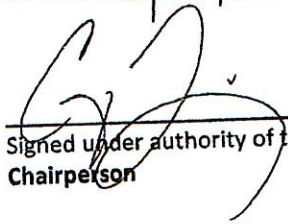
# FINAL ORDER OF THE BUILDING STANDARDS BOARD

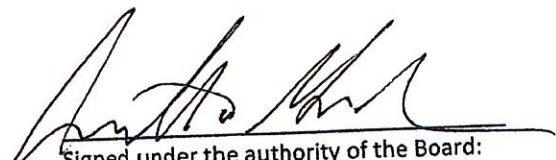
Case Number: V145244-082020

Art A. Ramirez FOR/AGAINST  
Pete G. Cavazos FOR/AGAINST  
Coretta Graham FOR/AGAINST  
Lillian T. Helms FOR/AGAINST

Craig S. Loving FOR/AGAINST  
David Foster FOR/AGAINST

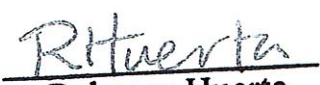
Ordered on 1/29/2021

  
Signed under authority of the Board:  
Chairperson

  
Signed under the authority of the Board:  
Vice-Chairperson

Filed with the City Secretary on \_\_\_\_\_

**Date Filed** 2/1/21

  
**Rebecca Huerta**  
City Secretary



