

KLEIN LAW, PLLC
PHONE (361) 452-3583
FAX (361) 998-9743
kleinlaw@att.net

Mailing Address:
PO Box 2446
Corpus Christi, Texas 78403

Physical Address:
102 N. Staples St.
Corpus Christi, Texas 78401

August 23, 2022

Via US Mail; Email citysecretary@cctexas.com; and Facsimile (361)826-3113

City of Corpus Christi City
City Secretary
PO Box 9277
Corpus Christi, Texas 78469

RE: Enforcement Action – Case No. V177320-033022 (1216 Martin Luther King Dr. Bluff E/2 of Lot 12-A BK 49)

Dear Madame Secretary:

Please take notice that the undersigned represents Markman Brothers Investments Corpus Christi LLC (hereinafter referred to as “Markman Brothers”), the owner of the property that is the subject of the above enforcement action. Please forward any future notices or correspondence to the undersigned.

In accordance with the applicable city ordinances, Markman Brothers wishes to appeal the decisions of the Building Standards Board of July 28, 2022 with regard to the above properties. The Building Standards Board erred by:

- 1) Ordering the demolition of the above property;
- 2) Failing to consider the economic benefit to the City of the intended use of the property;
and
- 3) Failing to consider the detrimental economic impact on Markman Brothers in ordering the demolition of the buildings on the property.

Please forward this notice of appeal of appeal to the City Council so that same may be set for consideration and kindly notify the undersigned when same is scheduled.

If you have any questions or wish to discuss any of the foregoing, please do not hesitate to contact me.

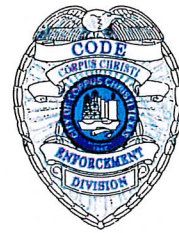
Sincerely,



David J. Klein



Code Enforcement Division



7/28/2022

CERTIFIED LETTER # 7020 1290 0000 7527 5366

MARKMAN BROTHERS INVESTMENTS CORPUS CHRISTI
LLC
1925 SOUTHWEST FWY
CORPUS CHRISTI, TX. 77098

RE: 1216 MARTIN LUTHER KING DR
Legal Description: BLUFF E/2 OF LT 12-A BK 49

The Building Standards Board (hereinafter, "Board") met at **1:30 P.M. on 07/28/2022** in the Council Chambers, 1201 Leopard, to hear matters concerning the substandard building(s) located at the above referenced property. In reference to the substandard building(s), the Final Order of the Board's decision is enclosed. The Final Order specifies the time allowed for the owner, lienholder, and/or mortgagee to comply with the Board's Final Order. The time permitted commences from the date listed on the enclosed Order. An appeal of this Board's decision may be made to the City Council under the provisions of Corpus Christi Code Sec. 13-24 - Appeals.

It may be necessary for the owner, lienholder, and/or mortgagee to obtain the proper permits before initiating demolition or repairs ordered by the Board. A permit can be obtained at Development Services located at 2406 Leopard Street, Corpus Christi, Texas.

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: V177320-033022



**FINAL ORDER OF THE
BUILDING STANDARDS BOARD**
Case No. V177320-033022

Property Owner(s)/Lienholder(s)/Mortgagee(s)
MARKMAN BROTHERS INVESTMENTS
CORPUS CHRISTI LLC
1925 SOUTHWEST FWY
CORPUS CHRISTI, TX. 77098

RE: 1216 MARTIN LUTHER KING DR
Legal Description: BLUFF E/2 OF LT 12-A BK 49

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 07/28/2022, the City of Corpus Christi Building and Standards Board held a public hearing and made the following findings regarding the building(s) or structure(s) located at the above referenced property:

1. Pursuant to the provisions of Chapter 13 of the Code, on 3/30/2022 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 4/4/2022 a notice of violation(s) and request to correct the violation(s) was sent to the owner(s), lienholder(s), mortgagee(s) and all known interested parties. Additionally, on 05/20/2022 notice of violation(s) was published in the Corpus Christi Caller Times;
3. Thirty days elapsed since the notice of violation(s) was received and/or published, and such violation(s) was not cured;
4. Code Official, Diana T. Garza, filed a complaint with the Chairman of the Board regarding the above referenced property on 07/05/2022, 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(s), lienholder(s), mortgagee(s) and all known interested parties on 7/6/2022, which was at least ten day prior to the public hearing. Additionally, on 07/05/2022 notice of the public hearing was published 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, lienholder, mortgagee(s), and/or other interested parties the opportunity to address the Board and present testimony, documentation and information, the Board finds the building(s) or structure(s) located at the above referenced property is substandard and constitutes a nuisance.
7. The City will vacate, secure, remove, or demolish the building or relocate the building occupants if the action ordered below is not taken within the allotted time.
8. If 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 of the date of this Order. If such items of personal property are not removed from the premises within 30 days, they shall be placed in storage for 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. If 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 ORDERS:

___ The substandard building(s) or structure(s) shall be secured by the owner(s), lienholder(s), and/or mortgagee(s) from unauthorized entry within 30 days.

OR

The Board finds the substandard building(s) or structure(s) can reasonably be repaired so as to comply with the code; therefore, **the Board ORDERS:**

___ The substandard building(s) or structure(s) shall be repaired by the owner(s), lienholder(s), and/or mortgagee(s) within 30 days. Repairs must comply with City Ordinance Section 13-22(g).

___ The substandard building(s) or structure(s) shall be repaired by the owner(s), lienholder(s), and/or mortgagee(s) within ___ (31 to 90) days. Repairs must comply with City Ordinance Section 13-22(g). Further, the owner(s), lienholder(s), and/or mortgagee(s) 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:

OR

The Board finds the substandard building(s) or structure(s) 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, **the Board ORDERS:**

___ The substandard building(s) or structure(s) shall be vacated by the owner(s), lienholder(s), and/or mortgagee(s) within ___ days. The building(s) or structure(s) shall be placarded to prevent occupancy until the building(s) or structure(s) is brought up to all minimum standards of the code by the owner(s), lienholder(s), and/or mortgagee(s) within 30 days.

___ The substandard building(s) or structure(s) shall be vacated by the owner(s), lienholder(s), and/or mortgagee(s) within ___ days. The building(s) or structure(s) shall be placarded to prevent occupancy until the building(s) or structure(s) is brought up to all minimum standards of the code within ___ (31 to 90) days. Further, the owner(s), lienholder(s), and/or mortgagee(s) 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:

OR

The Board finds the building(s), structure(s) or premises cannot be repaired because of the refusal of the owner(s) or its intrinsic state of disrepair or both and is dilapidated or substandard; therefore, **the Board ORDERS:**

The dilapidated or substandard building(s), structure(s), or premises shall be removed or demolished and removed by the owner(s), lienholder(s), and/or mortgagee(s) within 30 days.

___ The dilapidated or substandard building(s), structure(s), or premises shall be removed or demolished and removed by the owner(s), lienholder(s), and/or mortgagee(s), within ___ (31 to 90) days. Further, the

owner(s), lienholder(s), and/or mortgagee(s) 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:

OR

The Board finds that the owner(s), lienholder(s), and/or mortgagee(s) has submitted a detailed plan and schedule for the **repair/removal/demolition** (circle one) of the building(s) or structure(s) and the owner(s), lienholder(s) and/or mortgagee(s) has established that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work; therefore, **the Board ORDERS:**

___ The dilapidated or substandard building(s) or structure(s) shall be **repaired/removed/demolished** (circle one) by the owner(s), lienholder(s), and/or mortgagee(s) within ___ days. Repairs must comply with City Ordinance Section 13-22(g). Further, the owner(s), lienholder(s), and/or mortgagee(s) 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 detailed plan and schedule submitted to the Board and approved by the Board. The detailed plan and schedule approved by the Board is attached and incorporated by reference to this Order and includes the amendments and/or additions noted below:

___ The owner(s), lienholder(s), and/or mortgagee(s) shall submit monthly progress reports to the Code Enforcement Division to demonstrate compliance with the time schedules established for commencement and performance of the work.

___ The owner(s), lienholder(s), and/or mortgagee(s) shall report bi-monthly to the Board to demonstrate compliance with the time schedules for the work, beginning on _____ and continuing throughout the pendency of the approved schedule.

___ The Board further finds the above referenced property, including structures or improvements on the property, exceeds \$100,000 in total value; therefore, the owner(s), lienholder(s), and/or mortgagee(s) 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.

Coretta Graham FOR/AGAINST
Catherine Giffin FOR/AGAINST
Johanna Ortiz FOR/AGAINST
Monica Pareso FOR/AGAINST
John Solberg FOR/AGAINST

Merced Pena (alternate) FOR/AGAINST

Ordered this 28 day of July

²⁰²² **Date Filed** 7/28/22 ^{4:06pm}

Catherine Giffin
Signed under the authority of the Board:
Chairperson

R Huerta
Rebecca Huerta
City Secretary

[Signature]
Signed under the authority of the Board:
Vice-Chairperson

Filed with the City Secretary: