

Resolution upholding the Building Standards Board's order to demolish the dilapidated/substandard structure located at 1301 N Water Street and owned by 8058 MKII LLC.

Whereas, the Building Standards Board (the "Board") held a public hearing on October 14, 2021, at 1:30pm regarding structure located at 1301 N Water Street 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. V156713-052121;

Whereas, 8058 MKII LLC, the owner of 1301 N Water Street (the "Appellant") filed a written notice of appeal of the Board's order with the City Secretary's Office on November 2, 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");

Whereas, the filing of the appeal stayed the Board's order;

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 1301 N Water Street:

- (1) the decision of the Board was not erroneous, and
- (2) that the decision of the Board would not cause 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 Final Order of the Building Standards Board of Appeals, Case No. V156713-052121, for the structure at 1301 N Water Street is upheld.

SECTION 3. The Appellant's appeal is hereby denied.

SECTION 4. The City may vacate, secure, remove, or demolish the building or relocate the building occupants if the action ordered by the Board is not taken.

PASSED AND APPROVED on the _____ day of _____, 2022:

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



10/14/2021

CERTIFIED LETTER # 7020 1810 0000 1317 5862

8058 MKII LLC
3511 RIVERCREST DR
AUSTIN, TX 78746-1310

RE: 1301 N WATER ST
Legal Description: BEACH BLK 45 LOT 1

The Building Standards Board (hereinafter, "Board") met at **1:30 P.M. on 10/14/2021** 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 V156713-052121



**FINAL ORDER OF THE
BUILDING STANDARDS BOARD
Case No. V156713-052121**

Property Owner(s)/Lienholder(s)/Mortgagee(s)
8058 MKII LLC
3511 RIVERCREST DR
AUSTIN, TX 78746-1310

RE: 1301 N WATER ST
Legal Description: BEACH BLK 45 LOT 1

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 **10/14/2021**, 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 **5/18/2021** 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 **7/29/2021** 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 **07/30/2021** 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 **08/30/2021**, 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 **10/1/2021**, which was at least ten day prior to the public hearing. Additionally, on **10/1/2021** 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.

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.

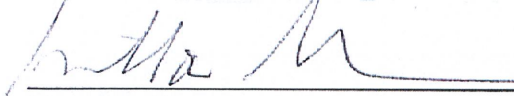
Pete G Cavazos
David Foster
Guate Garcia

FOR/AGAINST
FOR/AGAINST
FOR/AGAINST

Coretta Graham
Catherine Giffin
Monica Pareso

FOR/AGAINST
FOR/AGAINST
FOR/AGAINST

Ordered this 14th day of October, 2021.



Signed under the authority of the Board:
Chairperson

Date Filed 10-14-21

4:30pm Catherine Giffin

Signed under the authority of the Board:
Vice-Chairperson

Filed with the City Secretary:

Rebecca Huerta
Rebecca Huerta
City Secretary