

Resolution denying Oscar De Los Santos appeal, thereby upholding the Building Standards Board order to demolish the buildings and structures on the property located at 3769 Wilson Drive.

Whereas, the Building Standards Board (the "Board") held a public hearing on November 29, 2015, at 1:30pm regarding property located at 3769 Wilson 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. 14-1150; and

Whereas, the owner of 3769 Wilson Drive (the "Appellant") filed a written notice of appeal of the Board's order with the City Secretary's Office on December 21, 2015, 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 3769 Wilson 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 November 19, 2015, 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 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. The buildings and structures, or part of the building or structures, because of dilapidation, deterioration, decay, 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 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 3769 Wilson 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 has not alleged or establish that an error was committed by the Board; and
10. 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 3769 Wilson 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. 14-1150**



Property Owner(s)
OWNER: Oscar De Los Santos
ADDRESS: P.O. Box 266814
CITY STATE ZIP-Houston, Texas 77207-6814

RE: 3769 Wilson
LOT: 6
BLOCK: 5
ADD' N: Saxet Hgts

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 **November 19, 2015**, 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 **August 13, 2014** 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 **August 26, 2014** a notice of violation(s) and request to correct the violation(s) was sent to the owner and all known interested parties. Additionally, on **September 30, 2015** and **October 1, 2015** 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 July 10, 2015, 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 **November 6, 2015**, which was at least ten day prior to the public hearing. Additionally, on **November 6, 2015** and **November 7, 2015** 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.

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

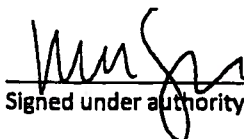
The Board finds that the owner, lien holder or mortgagee has submitted a detailed plan and time schedule for the work and the owner, lien holder or mortgagee has established that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work; therefore:

- 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.

Clarissa Beltran FOR/AGAINST
Lee R. Hassman FOR/AGAINST
Matthew Ezell FOR/AGAINST
Joel De la Garza FOR/AGAINST

Tim Honea FOR/AGAINST
Craig S. Loving FOR/AGAINST
Shane Torno FOR/AGAINST


Ordered this 19th day of November, 2015.


Signed under authority of the Board:


Signed under the authority of the Board:

Date Filed 11/23/2015 3:30pm

Filed . . City Secretary DATE TIME


Rebecca Huerta
City Secretary

CITY OF CORPUS CHRISTI, TEXAS

NOTICE

INSPECTION OF STRUCTURE REVEALS THAT IT IS NOT IN COMPLIANCE WITH THE MINIMUM REQUIREMENTS UNDER SECTION 13.20 OF THE BUILDING AND HOUSING STANDARDS CODE OF THE CITY OF CORPUS CHRISTI

OCCUPANCY OF THIS STRUCTURE IS PROHIBITED UNTIL COMPLIANCE AND SATISFIED DEPARTMENT OR REMOVAL OF THE NOTICE OR ANY REPAIRS AND/OR ALTERATIONS TO STRUCTURE WITHOUT AUTHORIZATION FROM THE CITY OF CORPUS CHRISTI CONSTITUTES A MISDEMEANOR AND IS PUNISHABLE BY A FINE OF FIVE HUNDRED (\$500.00) DOLLARS 376.9 WJSM

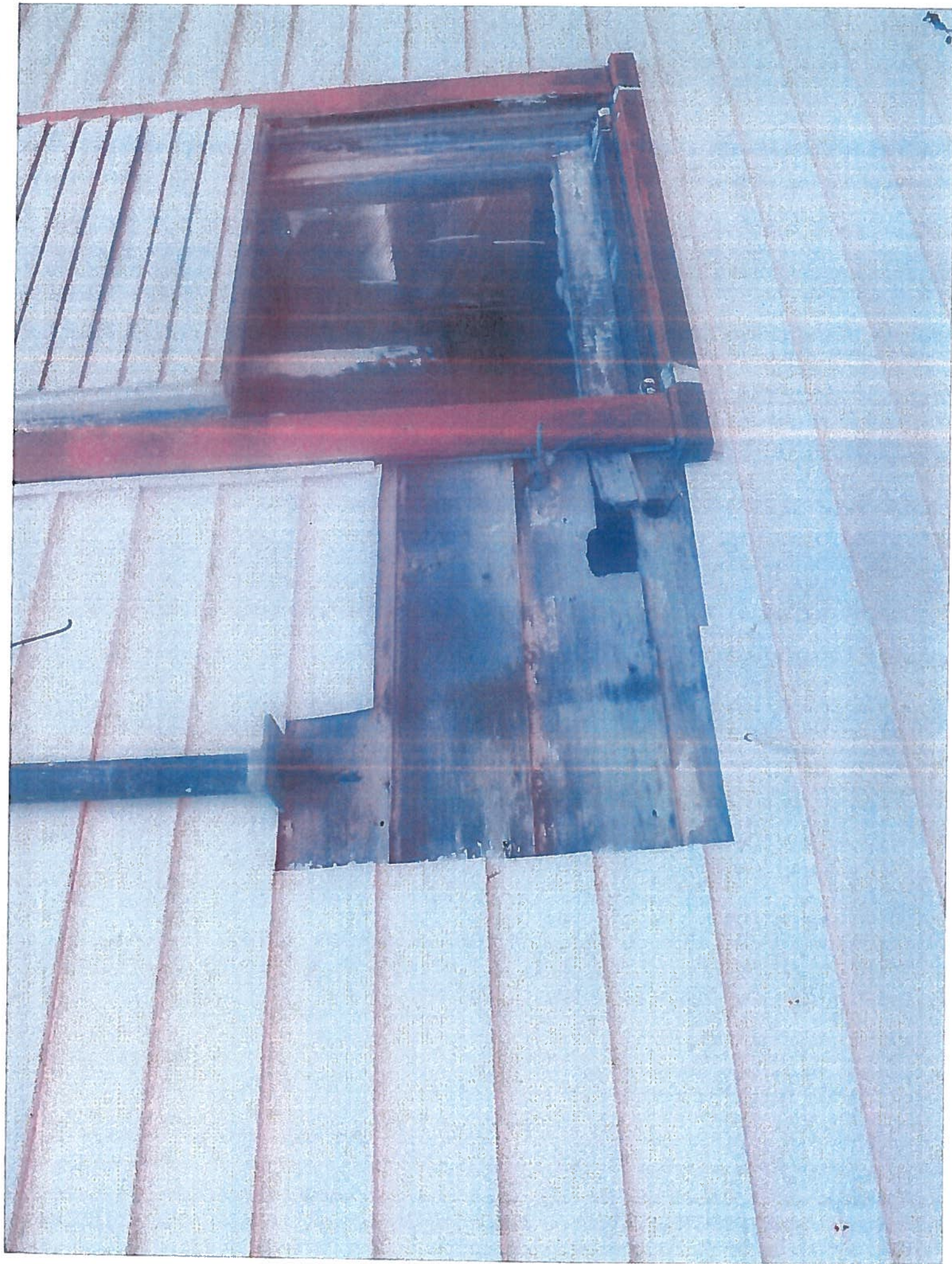
YOU MAY CONTACT THE CODE ENFORCEMENT DIVISION FOR INFORMATION ABOUT THE REQUIRED WORK AND PERMIT APPLICATIONS
1201 LEOPARD ST
(361) 826-3030

DATE: 8/13/14

BY: DT 5-10-14

Code Enforcement Officer
By order of: DIRECTOR NEIGHBORHOOD SERVICES















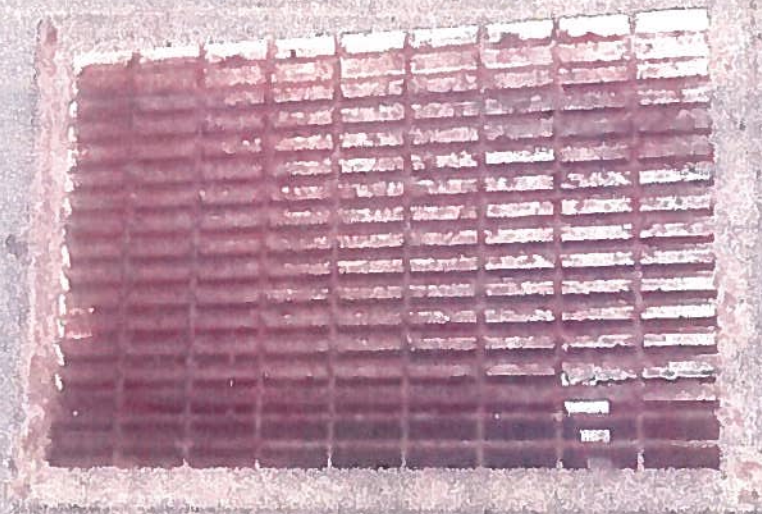


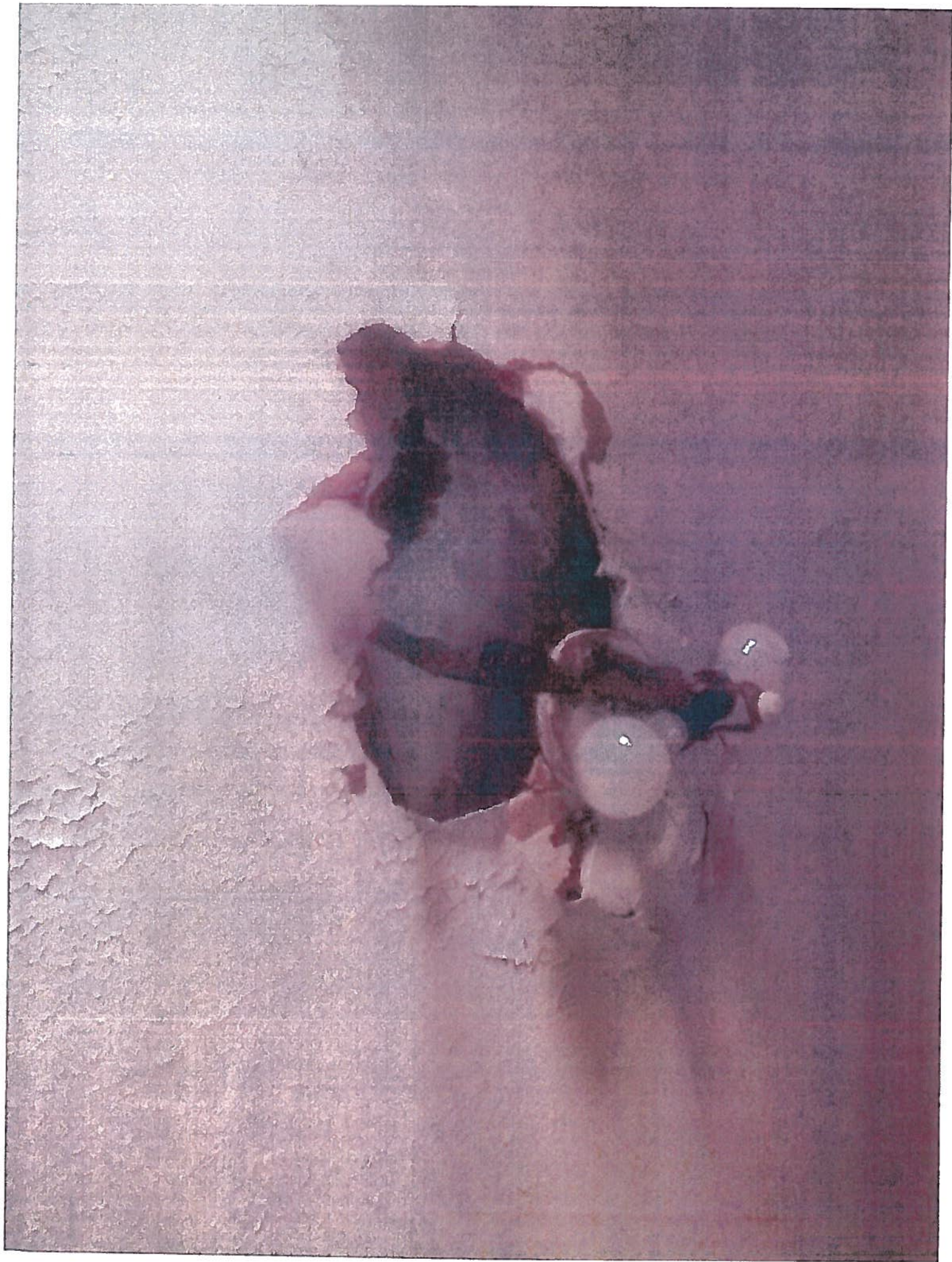








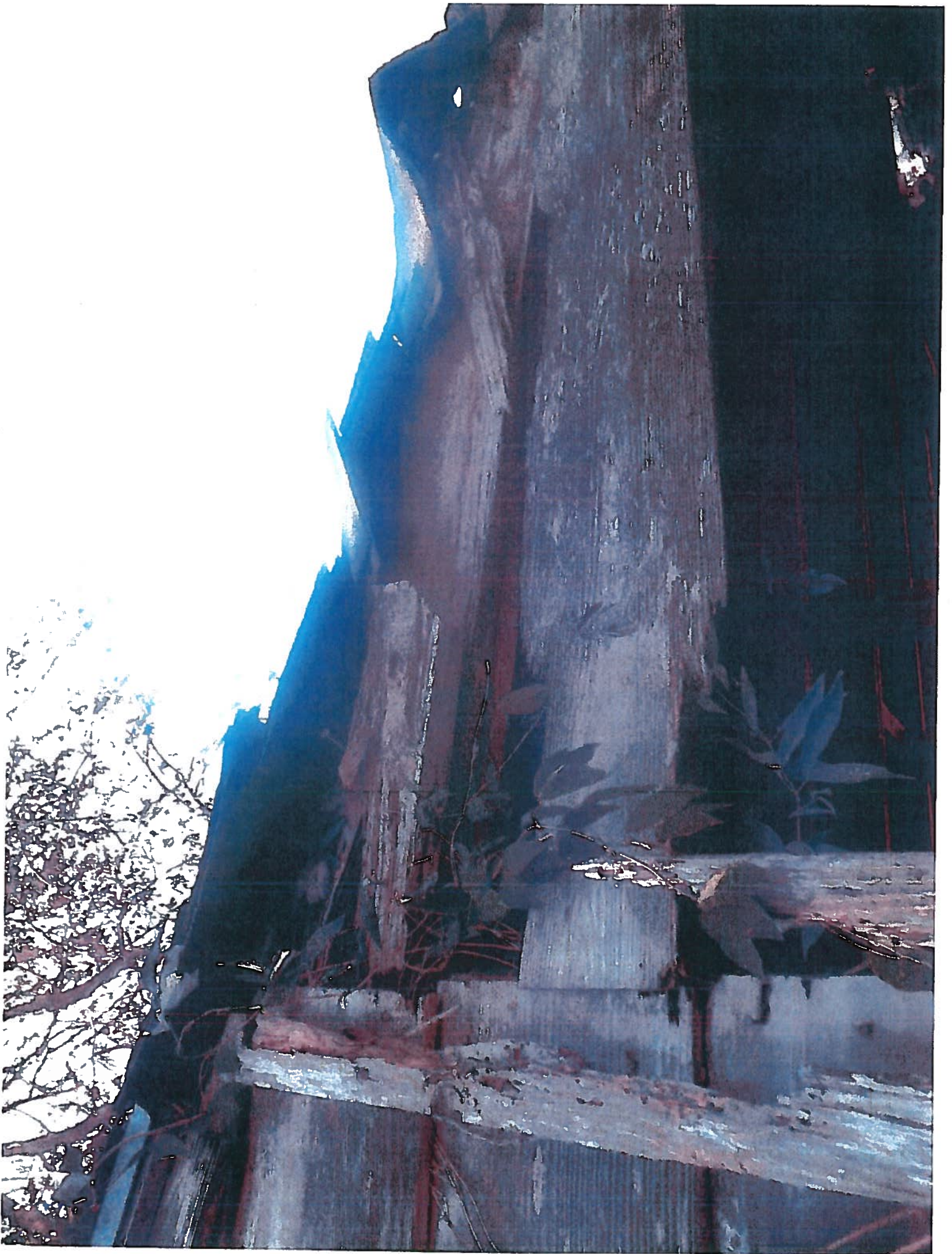














PASSED AND APPROVED this _____ day of _____, 2016 at a Regular Meeting of the City Council of the City of Corpus Christi, Texas.

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