



AGENDA ITEM SUMMARY FORM

MEETING DATE: April 12, 2022

PREPARED BY: Lindsay Koskiniemi, CPM, CGFO, Assistant Director of Development Services

AGENDA CONTENT: Substandard structure update for 504 Farrer Street within the City of Angleton, Texas and request for approval of ordinance to hold public hearing.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: \$45,740 budgeted
FY21/22, remaining
balance \$42,340

FUNDS REQUESTED: \$8,500 (estimated
cost to demolish and
haul away)

FUND: General Fund, Development Services Department, Account No. 01-535-465

EXECUTIVE SUMMARY:

In January 2021, the Development Services Department conducted a city-wide substandard building identification effort to begin correspondence with property owners of identified substandard structures to initiate enforcement action. The approved Fiscal Year 2021-2022 budget included \$45,740 for demolition of substandard structures. Now that the City's Code Enforcement staff have been conducting enforcement efforts for the identified substandard structures and has worked with Legal, staff is ready to approach Council to request public hearings required by statutory law to move toward demolition.

This property is a single-family home, unoccupied, and has been deemed to be an immediate threat to public health and safety, particularly to surrounding neighbors, because the structure is fully collapsed on the backside. There is no restricted access, as the interior of the home is fully exposed by the collapsed back wall. Upon investigating a complaint of mosquitos, city staff discovered the backside of the home has been collapsed for some time, and the interior of the home has been exposed to environmental elements due to the decomposed state of the collapsed portion on the ground. City staff also observed evidence of transient occupation within the front room of the home. The driveway has become an attraction for parking unused, junked vehicles.

Because this structure has been deemed to cost more than fifty percent (50%) of the value of the home to repair to the point of meeting code compliance standards, in addition to the threat the dilapidated state of the structure presents to the public, city staff has deemed it necessary to demolish the structure. City staff has worked closely with the City's legal counsel to navigate the process to make sure all statutory compliance is met throughout the process.

City staff has attempted to contact the property owner on several occasions dating back several years concerning numerous Code violations such as a tall grass. Additionally, the City has an extensive list of liens issued against this property for mowing tall grass in violation of the City's Code of Ordinances over several years of attempting to contact property owner without any response to certified mail or regular mail.

A lien will be filed with the County against the property to recuperate expenditures incurred for demolition, advertisement of public hearing, and any other associated costs with interest.



Backside of 504 Farrer Street



Backside of garage



Kitchen visible – back wall missing



Back bedroom collapsed



Decomposed collapsed backside of home





Broken windows, ceiling caved in



Windows boarded, windows broken, structure leaning



Doorknob hole in front door – Evidence of vagrants occupying unsafe structure



RECOMMENDATION:

Staff recommends approval of the attached ordinance to conduct a public hearing to condemn and possibly demolish dilapidated, substandard, unsafe structure at 504 Farrer Street.

ORDINANCE NO. 20220412-000

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, REGARDING THE POSSIBLE DETERMINATION OF A SUBSTANDARD BUILDING LOCATED AT 504 FARRER STREET, ANGLETON, BRAZORIA COUNTY, TEXAS 77515; PROVIDING A DATE FOR A PUBLIC HEARING TO MAKE SUCH A DETERMINATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 54.004 of the Local Government Code, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the City of Angleton’s Code of Ordinances (the “Code of Ordinances”), requires, in part, the demolition of a building that is (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare or, (2) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; and

WHEREAS, Development Services of the City of Angleton, Texas (the “City”), after inspection, believes it has identified a structure located on the property at **504 Farrer Street, Angleton, Brazoria County, Texas 77515** (the “Property”), that violates the Code of Ordinances and requires demolition pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances; and

WHEREAS, Development Services notified the homeowner of the Property of such potential violations of the Code of Ordinances **on multiple occasions**, requesting that the homeowner of the Property address such violations listed in the notice, attached and incorporated hereto as Exhibit A; and

WHEREAS, the City, in accordance with Section 214.001 of the Local Government Code, wishes to hold a public hearing, pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, to determine whether a structure located on the Property complies with the Code of Ordinances, specifically those in Chapter 5 – Buildings and Building Regulations and Chapter 11 – Housing of the City’s Code of Ordinances, and whether such structure shall be demolished in accordance with Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. All the facts recited in the preamble to this Ordinance are found by the City Council of the City of Angleton, Texas (the “City Council”), to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. A public hearing, in accordance Section 214.001 of the Local Government Code and pursuant to Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, shall be held by City Council on May 24, 2022, at 6:00 p.m. in order to determine whether the structure located on the property at **504 Farrer Street, Angleton, Brazoria County, Texas 77515** complies with the Code of Ordinances, specifically those in Chapter 5 – Buildings and Building Regulations and Chapter 11 – Housing, and whether such structure shall be demolished in accordance with Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-572. – “Authority regarding substandard building” of the Code of Ordinances.

SECTION 3. The City shall send a copy of this Ordinance, along with the notice of public hearing described in Chapter 5 – Buildings and Building Regulations, Article XII. – Substandard Buildings, Sec. 5-575. – “Public hearing” of the Code of Ordinances, to an owner, lienholder, or mortgagee of the Property.

SECTION 4. At the public hearing, an owner, lienholder, or mortgagee of the Property shall be required to submit proof of the scope of any work that may be required to comply with the Code of Ordinances and the time it will take to reasonably perform the work in order to comply.

SECTION 5. Repeal. All ordinances or parts of ordinances inconsistent or in conflict are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 6. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon execution, with passage and approval by the City Council of the City of Angleton, Texas, and shall be in full force immediately upon its adoption.

SECTION 8. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS THE 12TH DAY OF APRIL 2022.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, MMC
City Secretary

EXHIBIT A

1. On July 17, 2019, Code Enforcement Officer Levya issued a notice of violation of the City's Code of Ordinances referencing the requirement to remove or demolish the structure at 504 Farrer St.
2. On January 13, 2021, Chief Building Inspector and Code Enforcement Officer, Kyle Reynolds issued and mailed a citation to property owner of 504 Farrer for dilapidated structure with a reference to violation notices sent on May 20, 2020.
3. On May 18, 2020, Code Enforcement Officer, Heidi Guzman received complaint of dilapidated structure at 504 Farrer Street. Upon investigation, Officer Guzman determined the structure to be substandard and initiated enforcement by generating a letter detailing the Code violations and mailing via certified and standard USPS to the property owner.
4. On April 06, 2021, the 504 Farrer Code Enforcement case was assigned to Officer Follin and a notice of violation for tall grass and dilapidated structure was mailed via certified and standard USPS mail to property owner.
5. Citation issued by Code Enforcement Officer Follin on April 27, 2021 for junk vehicles parked in driveway.
6. Citation issued by Officer Follin on April 27, 2021 for tall grass Code violation.
7. Citation issued by Officer Follin on April 27, 2021 for dilapidated structure.
8. On or about January 2022, the Code Enforcement division received a complaint of mosquitos, odd for the time of year and observed the back side of the structure at 504 Farrer had completely collapsed. Code Enforcement Officers observed evidence of vagrants occupying the front room through a doorknob hole in the front door, and there is not doorknob on the front door. Officers observed rodent harborage, overgrown grass, and stacked items including a hot water heater against the fence. Windows on the structure are mostly boarded, however, officers observed a smashed window, and inside the structure, the roof was collapsed.
9. Structure poses a significant threat to public health and safety.