



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding request from lien holder on previously approved declaration of substandard building and Order to Abate at 213 Pembroke

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

This City Commission issued an Order to Abate a dangerous building at 213 Pembroke on October 24, 2023, within 30 days. The owner did not attend the public hearing on October 24, 2023, however, the lien holder, Bryan Lee, did.

Since then, the property owner (JP Investments) has notified the City that they intend to file an appeal with the District Court. As of this date, that has not occurred. Because the property has a lien holder, the City is required to provide the lien holder with an additional 30 days. However, the lien holder has submitted a written request for an extension to February 6, 2024, as he has begun the foreclosure process on the current owner, JP Investments, but will not have adequate time to complete the foreclosure proceedings and to remedy the dangerous building, which he says intends to do.

Our ordinance prescribes the requirements for Commissioners in this process. Chapter 5, Section 11(c) states:

(c) - The order shall allow the owner thirty (30) days to complete the ordered action, unless it is determined from the evidence presented at the public hearing that additional time is required. If more than thirty (30) days is allowed to repair, remove or demolish the building, specific time schedules shall be established for the commencement and performance of the work; and

(e) - The owner, lienholder or mortgagee may not be allowed more than ninety (90) days to complete any part of the work required, remove or demolish the building unless the requirements of Texas Local Government Code section 214.001(k) are met (attached and below):

LGC 214.00 (k) - If the municipality allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work.

In short, if Commissioners wish to extend the deadline at the request of the lien holder, he will need to provide specific timelines and if longer than 90 days, submit progress reports on a regular basis.

FINANCIAL IMPACT:

NA

STAFF RECOMMENDATION:

Consider approval of request of lien holder to extend order to abate to February 6, 2024, and to submit timeline and progress reports to the City Manager