



## **City of Abilene Board of Building Standards Agenda**

Notice is hereby given of a meeting of the Board of Building Standards to be held on Wednesday, October 5, 2016 at 8:15 AM at 555 Walnut St Abilene, for the purpose of considering the following agenda items.

**1. Call to Order**

**2. Minutes**

- a. Approval of the Minutes from September 14, 2016

**3. PUBLIC HEARING:**

- a. **CASES FOR REHABILITATION, DEMOLITION OR CIVIL PENALTIES:**

**STATEMENT OF POLICY:** In all cases, except where specifically stated otherwise, buildings must be secured and the lot clean and mowed by the owner within 10 days of receipt of notice of results of this hearing. If this is not done, the City is to do so and bill the owner. In any case where the board orders the owner to demolish a structure or structures but the owner fails to demolish or appeal the board's order, the City may demolish. Any appeal must be filed in district court within 30 calendar days after the aggrieved party receives notice of the board's decision.

**At the hearing you should be prepared to present the following information:**

- 1. Specific time frame needed to complete repairs.**
- 2. Specific scope of repair work to be completed.**

**3. Cost estimates for work to be done by licensed, bonded contractors such as**

**electrical, plumbing or heating and air-conditioning contractors.**

**You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.**

- b. **Case No. 15-021** – 5119 FM 18 (A1640 SUR 55 BAL NE4, Tract W100, E230, S170, Acres .39)  
Owner(s): Glennadene Seelke
- c. **Case No. 11-022** – 871/873 Cedar St (LTS 6 179 3, Radford, ABL OT) Abilene Taylor County Texas

Owner(s): Antonio Ortiz

- d. **Case No. 12-043** – 424 Elm Creek Rd (AO349 20 A Thompson, Tract 2 (Hagar Addn) Acres 1.9  
Owner(s): Alton Jr & Alicia Smith
- e. **Case No. 16-007** – 326 Cottonwood St (OT Abilene, Block 99, Lot 3)  
Owner(s): Mrs. Romero Candelario
- f. **Case No. 16-011** – 1925 N 19<sup>th</sup> St (College Heights, Block 57, Lot E50 of 11 & 12)  
Owner(s): Bill Gregston
- g. **Case No. 16-014** – 1550 Pecan St (7 208 4 I John Tuohy, OT ABL)  
Owner(s): Roy Lemmons
- h. **Discussion:** Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade."

#### **4. Adjournment**

##### **NOTICE**

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending Board of Adjustment meetings. To better serve you requests should be received forty-eight (48) hours prior to the meetings. Please contact Planning at 676-6237. Telecommunication device for the deaf is 676-6360.

##### **CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall, Abilene Texas, on the \_\_\_\_ day of September, 2016 at \_\_\_\_.

\_\_\_\_\_  
Danette Dunlap, City Secretary



**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**SUBJECT: Case No. 15-021 – 5119 FM 18 (A1640 SUR 55 BAL NE4, Tract W100, E230, S170,  
Acres .39)  
Owner(s): Glennadene Seelke**

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**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
❑ Case No. 15-021	Exhibit
❑ 15-021 PowerPoint Revised	Backup Material

<b>Case No.</b>	<b>Address &amp; Description</b>	<b>Owner</b>	<b>Board Action</b>
<b>15-021</b>	<b>5119 FM 18</b> A1640 SUR 55 BAL NE/4, TRACT W100, E230, S170, ACRES .39	Glennadene Seelke % Linda Esman 1101 S Clear Cove Ct Graford, TX 76449-1948	Condemned: May 1, 2015 No board action
<i>Sq. Ft.: 1608.0   Structural: Poor   Foundation: P   Value: \$1,392.0   Total:\$1,392.0</i> <i>Del. Tax: 0</i>			
As of 9/14/16, the building is secure and the lot is clean. No building permit has been obtained on and no inspections have been requested. No permits have been obtained for repair of this property. No request for time extension has been submitted.			



ITEM NO. 3 (g)

**CASE # 15-021**

**5119 FM 18**



### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS  
NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL  
NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – NO RECORDS SHOWING LEGAL OWNER. PROPERTY LEFT IN CARE  
OF LINDA ESMAN SINCE 2001.
- ☒ TAYLOR CAD – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – NO HISTORY OF UTILITY USAGE BY THE  
MUNICIPALITY AT THIS ADDRESS – IN FILE

SEARCH REVEALS NO RECORDED OWNER, NO DEED OF RECORD FOR THIS ADDRESS. TAYLOR  
CAD SHOWS OWNER TO BE GLENNADENE SEELKE. PROPERTY IS LEFT IN CARE OF LINDA  
ESMAN. THERE WAS NEVER A PLATTE RECORDED FOR THIS PROPERTY.



Monday, May 4, 2015



GLENNADENE SEELKE, % LINDA ESMAN  
1101 S. CLEAR COVE CT.  
GRAYFORD, TX 76449-1948

**CERTIFIED MAIL NO.**  
3846 1843

**Case Number: 15-021**

RE: Lot:  
Block:  
Addition: LOOP 322 EAST  
Located at: 5119 FM 18

**Dear Property Owner:**

The tax rolls list you as the owner of the building located on the above described property in the City of Abilene, Taylor County, Texas. Please contact me within the next ten (10) days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

**If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of this NOTICE OF CONDEMNATION.**

In accordance with the code of the City of Abilene, Texas, Chapter 8, Article VI, Division 6, Minimum Standards for Buildings and Structures, you are hereby notified that the building you own was inspected on 05/01/2015.

The following listed conditions exist to an extent that endangers the life, health, property, safety, and/or welfare of the public. The building is hereby declared to be a substandard to the following conditions:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Inadequate Sanitation             | <input checked="" type="checkbox"/> Faulty Weather F |
| <input checked="" type="checkbox"/> Structural Hazards                | <input checked="" type="checkbox"/> Faulty Materials |
| <input checked="" type="checkbox"/> Nuisance                          | <input checked="" type="checkbox"/> Inadequate Main  |
| <input checked="" type="checkbox"/> Hazardous Wiring                  | <input checked="" type="checkbox"/> Hazardous or Un  |
| <input checked="" type="checkbox"/> Hazardous Plumbing                | <input checked="" type="checkbox"/> Premises         |
| <input checked="" type="checkbox"/> Hazardous/No Mechanical Equipment | <input checked="" type="checkbox"/> Other-Unsecur    |
| <input type="checkbox"/> Fire Damage                                  |  |

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 1.48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	0.75

GLENNADENE SEELKE  
% LINDA ESMAN  
1101 S. CLEAR COVE CT.  
GRAYFORD, TX 76449-1948  
RE: 5119 FM 18  
MM 15-021

7012 2630 0001 3846 1843 ET02

The conditions listed above must be corrected. In accordance with the Code(s), you are hereby notified to correct the conditions which at the present time place you in violation of the Code(s). Continued violation of the City Codes may result in the City of Abilene obtaining an injunction to (1) prohibit specified future conduct in violation of City ordinances or, (2) requiring specific conduct necessary for compliance with the ordinance. Also, the City of Abilene may recover in a suit against the owner of this property, or the owner's representative with control over the premises, a civil penalty of up to one thousand dollars (\$1000.00) a day for each day of ordinance violation.

Occupancy of this property is prohibited until the above noted violations are abated. You are hereby notified to begin to repair, renovate, demolish or remove the structure on this property within 60 days, after obtaining the required permits from the City of Abilene Building Inspections Department.

If you fail to comply with this notice, you will be cited to appear before the Board of Building Standards. You may appeal the determination or requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of such appeal by the Board of Building Standards, unless an emergency (as determined by the Building Official and as defined by applicable law) exists.

Please note that if you fail to appeal within the ten day period, my determination and requirements, if any, are final.

In addition to the above Notice of Condemnation, you are further advised that all trash, debris and high weeds must be removed from the lot within ten (10) days from the date of this notice or the City may do so and bill the owner. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter.

Very truly yours,

**Michael Moffitt**  
Code Enforcement  
(325) 676-6277  
cc: file

Enclosed: General Repair List  
City of Abilene Weed Control Requirements  
cc: Weed Abatement Office

P.O. Box 60 • 555 Walnut • Abilene, Texas 79604



August 4, 2016

Certified Mail No.  
8699 0769

Glennadene Seelke  
% Linda Esman  
1101 S Clear Cove Ct  
Grayford, TX 76449-1948

Case Number  
15-021

Re: Notice of Condemnation  
Lot: A 1640 SUR 55 BAL NE/4, TRACT W100, E230, S170  
Block: ACRES .39  
Addition: (LOT NOT PLATTED)  
Located at: 5119 FM 18

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a part
3. You know that the owner(s) of the property

In accordance with the City of Abilene Code of Minimum Standards for Buildings and Structures, b or structure at the above referenced address was condition(s) endanger(s) the health, safety or welfare hereby declared to be substandard and condemned d

Pursuant to the below cited sections of the Municip

Inadequate Sanitation, Chapter 8; Sec. 8-5

1. Lack of hot or cold running water to

7015 0640 0003 8699 0769

U.S. Postal Service<sup>™</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee \$  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage \$

GLENNADENE SEELKE  
% LINDA ESMAN  
1101 S CLEAR COVE CT  
GRAYFORD, TX 76449-1948  
RE: 5119 FM 18

PS Form 3800, April 2015 PSN 7520-02-000-9047 See Reverse for Instructions

ABILENE, TX MAIN OFFICE  
AUG 5 2016  
USPS

2. Lack of adequate heating facilities
3. Lack of, or improper operation of, required ventilating equipment.
4. General dilapidation or improper maintenance.

Structural Hazards, Chapter 8; Sec. 8-554, (2), (d,g)

1. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.
2. Members of walls, partitions or other vertical supports that split, lean, list or buckle.

Hazardous plumbing, Chapter 8; Sec. 8-554, (5)

Plumbing which was installed in violation of code requirements in effect at the time of installation, or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect, or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

Hazardous Electrical Wiring, Chapter 8; Sec. 8-554, (4)

Electrical wiring which was installed in violation of code requirements in effect at the time of installation, or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect, or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

Nuisance, Chapter 19, Sec.15, (b & d)

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof.

Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings.
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings.

Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.



2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances. Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.

Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

**Remedies for violations and conditions which constitute a substandard structure are as follows:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d, e, f)**

1. Lack of hot or cold running water to plumbing fixtures – **Retain licensed and bonded Plumber to bring plumbing up to current code**
2. Lack of adequate heating facilities – **Retain licensed and bonded plumber, electrician or mechanical contractor to bring system up to code. (Type of heat system will determine type of contractor)**
3. General dilapidation or improper maintenance – **Retain Licensed and bonded contractors to insure all sanitary systems are up to code.**

**Structural Hazards, Chapter 8; Sec. 8-554, (2), (g)**

1. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle. – **Repair all components of roof structure; including rafters, sheathing and roofing materials**
2. Members of walls, partitions or other vertical supports that split, lean, list or buckle. – **Make all repairs to interior and exterior walls to comply with code**

**Hazardous Electrical Wiring, Chapter 8; Sec. 8-554, (4)**

Electrical wiring which was installed in violation of code requirements in effect at the time of installation, or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect, or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard. – **Retain licensed and bonded electrical contractor to review system and bring to current code.**

**Hazardous plumbing, Chapter 8; Sec. 8-554, (5)**

Plumbing which was installed in violation of code requirements in effect at the time of installation, or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect, or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard. – **Retain licensed and bonded plumbing contractor to review system and bring to current code.**

**Nuisance, Chapter 19, Sec.15, (b & d)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings. – **Remove all of the above and keep lot clean and mowed.**
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof. – **Make all repairs to the interior and exterior of structure to comply with all requirements set forth by the Building Inspections Dept. and bring the property out of condemnation**

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors. – **Repair and/or replace all broken windows and doors. Replace roof if roof is leaking. Make all repairs to foundation to level the house. Make repairs to flooring substructure, decking and finished flooring to a sound condition. Caulk all exterior windows and doors.**
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings. – **Caulk, prime and paint the exterior or install an approved protective covering to weatherize.**
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings. – **Replace all rotted wood or missing parts of wall covering or roof.**



**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division. - **Owner shall secure all structures on the property within 10 days of receipt of this letter or the City may.**

You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance §8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter. Failure to abate may result in the city abating the conditions at your expense and a lien may be placed on your property.

You may submit to the building official a written response within thirty (30) calendar days after receipt of this notice a plan of action to correct or abate the above referenced violations. Such plan of action should include the following:

1. Specific actions to be taken by the owner
2. Cost estimates for required repair work
3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file







**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1254

Glennadene Seelke  
% Linda Esman  
1101 S Clear Cove Ct  
Graford, TX 76449-1948

Case Number  
15-021

Re: Lot: A 1640 SUR 55 BAL NE/4  
Block: TRACT W100 E230 S170  
Addition: ACRES .39  
Located at: 5119 FM 18

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005, and as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On May 1, 2015, the City of Abilene determined the property listed above to be substandard and condemned. On August 4, 2016, a certified letter was sent to the above address providing notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on October 5, at 8:15AM in the Council Chambers of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file

—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON

OCTOBER 5, 2016 AT 8:15 A.M.  
All interested parties are urged to attend.  
676-6277

Owner Rights and Responsibilities

At the hearing you should be prepared to present the following information:

1. Specific time frame needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

**NO**  
**BUILDING**  
**SAFE FOR**  
**IS CONDE**  
**OF**

CONTACT CITY

IT IS A VIOLATION OF THE LAW TO





# FRONT/NORTH SIDE



Abilene - Sep 12, 2016, 3:13 PM





# FRONT NE CORNER



# EAST SIDE





# REAR/SOUTH SIDE





# WEST SIDE







Abilene - Dec 29, 2015, 2:31 PM



Abilene - Dec 29, 2015, 2:31 PM





Abilene - Dec 29, 2015, 2:31 PM

# Staff Recommendations:

## Findings:

**The property is a hazard to the public health safety and welfare and is therefore a public nuisance.**

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

Inadequate Sanitation, Sec 1, (d, e, f)

Structural Hazards, Sec 2, (g)

Nuisance (Chapter 19-15, d)

Hazardous Electrical Wiring, Sec 4

Hazardous Plumbing, Sec 5

Faulty Weather Protection, Sec 7, (b, c, d)

Faulty Materials of Construction, Sec 9, (a)

## Order:

**The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.**



**END OF  
5119 FM 18  
PRESENTATION**







**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**SUBJECT:** Case No. 11-022 – 871/873 Cedar St (LTS 6 179 3, Radford, ABL OT) Abilene Taylor  
County Texas  
Owner(s): Antonio Ortiz

---

**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
❑ Case No. 11-022	Cover Memo
❑ 11-022 PowerPoint Revised	Backup Material

Case No.	Address & Description	Owner	Board Action
<b>11-022</b>	<b>871/873 Cedar St</b> LTS 6 179 3, Radford, ABL OT. Abilene, Taylor County, Texas	Antonio Ortiz 1025 S Willis St Abilene, TX 79605-3921	Condemned: May 10, 2011 02/06/2013 – Tabled 04/02/2015 – Granted 90 days to complete repairs 08/05/2015 – Followed Staff recommendation and issued civil penalties.
<i>Sq. Ft.:</i> <b>1,880</b> <i>Structural:</i> <b>Poor</b> <i>Foundation:</i> <b>Pier &amp; Beam</b> <i>Value:</i> <b>\$8,816.0</b> <i>Total:</i> <b>\$10,664.0</b> <i>Del. Tax:</i> <b>\$787.30</b>			
As of 09/14/2016, the building is secure and the lot is clean. Building permit was obtained on 9/23/13. No inspections have been requested and the permit is currently expired. No other permits have been obtained for repair of this property. No request for time extension has been submitted.			

ITEM NO. 3 (b)

**CASE # 11-022**

**871/873 CEDAR ST.**



### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS  
NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL  
NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – WARRANTY DEED IN FILE
- ☒ TAYLOR CAD – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – IN FILE

SEARCH VALIDATES OWNER FOR 871/873 CEDAR ST TO BE: ANTONIO ORTIZ





Thursday, August 09, 2012

Ortiz Antonio

1025 S Wills St  
Abilene, TX 79605-

**CERTIFIED MAIL NO.**  
**8746 5611**

**Case Number: 11-022**

**RE:**           **Lot:**  
                 **Block:**  
                 **Addition:** LTS B 17B 3 Radford, ABL OT, Abilene Taylor County Texas  
                 **Located at:** 871/873 Cedar

**Dear Property Owner:**

The tax rolls list you as the owner of the building located on the above described property in the City of Abilene, Taylor County, Texas. Please contact me within the next ten (10) days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

**If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of this NOTICE OF CONDEMNATION.**  
In accordance with the Code of the City of Abilene, Texas and/or the 2000 Edition of the International Residential and Building Codes, the Uniform Housing Code (1991 edition) (hereinafter referred to as the Minimum Housing Code), and the Uniform Code for the Abatement of Dangerous Buildings (1991 edition), you are hereby notified that the building you own was inspected on 05-10-2011

The following listed conditions exist to an extent that endangers the life, health, property, safety, and/or welfare of the public. The building is hereby declared to be a substandard building due to the following conditions:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Inadequate Sanitation             | <input checked="" type="checkbox"/> Faulty Weather Protection   | <input type="checkbox"/> Inadequate Exits                                      |
| <input checked="" type="checkbox"/> Structural Hazards                | <input type="checkbox"/> Faulty Materials of Construction   | <input type="checkbox"/> Inadequate Fire Protection or Fire Fighting Equipment |
| <input checked="" type="checkbox"/> Nuisance                          | <input checked="" type="checkbox"/> Inadequate Maintenance  | <input type="checkbox"/> Improper Occupancy                                    |
| <input checked="" type="checkbox"/> Hazardous Wiring                  | <input checked="" type="checkbox"/> Hazardous or Unsanitary Premises  | <input type="checkbox"/> Fire Hazard   |
| <input checked="" type="checkbox"/> Hazardous Plumbing                | <input checked="" type="checkbox"/> Other-Unsecured- <u>High grass &amp; weeds, Excessive trash &amp; debris, Dead/fallen tree.</u> |  |
| <input checked="" type="checkbox"/> Hazardous/No Mechanical Equipment |   |  |
| <input type="checkbox"/> Fire Damage                                  |   |  |



# BOARD OF BUILDING STANDARDS

## SIGN IN SHEET

Meeting of April 1, 2015

Please *print* your name

Address of Condemned Property  
(or address of property of interest to you)

Riley Branch	2417 Walnut
Cory Clements	
Keray Sims	1618 Jeffrey 629 North 629 1/2
Charles Scarborough	726 Amador
Manila du Coudray	541 Oak
Darryl Conner	/
Tony Ortiz	871 Cedar
DAVID A. LANE	1457 Yoemans
Alton & Alicia Smith	3006 Woodway Circle



Thursday, April 2, 2015



CERTIFIED MAIL NO.  
3846 1294

Ortiz Antonio

1025 S Willis St  
Abilene, TX 79605-

Subject: Notice of Findings of the Board of Building Standards

Case Number: 11-022

Dear Property Owner:

On Wednesday, April 1, 2015, in an open public meeting, the Board of Building Standards of the City of Abilene considered disposition of the house and/or other structure identified below and of which you are listed on the tax rolls as the owner:

Location: 871/873 Cedar

Lot:

Block:

Addition: LTS 8 178 3 Radford, ABL OT, Abilene Taylor County Texas

The decision of the Board was as follows:

The Board has granted the property owner 90 days to complete the rehabilitation and bring the property out of condemnation.

Appeal of the determination or requirements made by the Board of Building Standards must be made to the District Court within 30 days after receipt of this notice. If you fail to appeal within the 30 day period, the determination of the Board of Building Standards is final.

Please contact me within the next ten days:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of the Board's decision.

**PLEASE NOTE:**

If the property is found to be in weed violation again during the calendar year, the property owner shall be required to mow the property at 30-day intervals thereafter, without sending a notice.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277  
cc: file

P.O. Box 60 • 555 Walnut • Abilene, TX 79601

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT <b>657</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 1.78
Collection Fee	3.78
Return Receipt Fee (Domestic Mail Only)	2.78
Registered Mail Fee (Domestic Mail Only)	6.48
ANTONIO ORTIZ 1025 S. WILLIS ST ABILENE, TX 79605 RE: 871/873 CEDAR ST MM 11-022	

Wednesday, August 5, 2015



**CERTIFIED MAIL NO.**  
**3846 2383**

Ortiz Antonio

1025 S Willis St  
Abilene, TX 79605-

**Subject:** Notice of Findings of the Board of Building Standards

**Case Number:** 11-022

**Dear Property Owner:**

On **Wednesday, August 5, 2015**, in an open public meeting, the Board of Building Standards of the City of Abilene considered disposition of the house and/or other structure identified below and of which you are listed on the tax rolls as the owner:

**Location:** 871/873 Cedar

**Lot:**

**Block:**

**Addition:** LTS 6 179 3 Radford, ABL QT, Abilene Taylor County Texas

The decision of the Board was as follows:

The Board followed the staff's recommendation to assess civil penalties in the amount of \$8824.00 being \$77.00 per day from April 2, 2015 to August 5, 2015. Lot is to be kept clean, secure and mowed. If not done the City may do so and bill the owner. If the owner does not pay, a lien may be placed upon the property.

Appeal of the determination or requirements made by the Board of Building Standards must be made to the District Court within 30 days after receipt of this notice. If you fail to appeal within the 30 day period, the determination of the Board of Building Standards is final.

**Please contact me within the next ten days:**

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

If any of the above exist, please contact the owner(s) and any interested parties to the Board's decision.

**PLEASE NOTE:**

If the property is found to be in weed violation again during the mowing the property at 30-day intervals thereafter, without sending

Very truly yours,

Michael Moritt  
Code Enforcement  
(326) 576-8277  
cc: file

P.O. Box 60 • 555 Walnut • Abilene

U.S. Postal Service	
<b>CERTIFIED MAIL RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 48.50
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Projected Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.235</b>
Send To	
Ortiz Antonio	
1025 S. Willis St	
Abilene, TX 79605	
MM 11-022	





July 7, 2016

Certified Mail No.  
8699 0288

Antonio Ortiz  
1025 S Willis St  
Abilene, TX 79605-3921

Case Number  
11-022

Re: Notice of Violation  
Lot: 6  
Block: 179  
Addition: Radford ABL OT  
Located at: 871/873 Cedar St

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinance Minimum Standards for Buildings and Structures, by this or structure at the above referenced address was inspected condition(s) endanger(s) the health, safety or welfare of hereby declared to be substandard and condemned due to

Pursuant to the below cited sections of the Municipal Code

Inadequate Sanitation, Chapter 8; Sec. 8-554, (1)

1. Lack of hot or cold running water to plum
2. Lack of adequate heating facilities
3. General dilapidation or improper maintenance



**Structural Hazards, Chapter 8; Sec. 8-554, (2), (a, b)**

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports

**Nuisance, Chapter 19, Sec.15, (b & d)**

2. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
3. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof,

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings.
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings.

**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances. Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.

Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

**Remedies for violations and conditions which constitute a substandard structure are as follows:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d, e, f)**

1. Lack of hot or cold running water to plumbing fixtures – Retain licensed and bonded Plumber to bring plumbing up to current code
2. Lack of adequate heating facilities – Retain licensed and bonded plumber, electrician or mechanical contractor to bring system up to code. (Type of heat system will determine type of contractor)
4. General dilapidation or improper maintenance – Retain Licensed and bonded contractors to insure all sanitary systems are up to code.

**Structural Hazards, Chapter 8; Sec. 8-554, (2), (a,b)**

1. Deteriorated or inadequate foundations. – Level foundation and floor supports
2. Defective or deteriorated flooring or floor supports

**Nuisance, Chapter 19, Sec.15, (b & d)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings. – Remove all of the above and keep lot clean and mowed.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof. – Make all repairs to the interior and exterior of structure to comply with all requirements set forth by the Building Inspections Dept. and bring the property out of condemnation

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors. – Repair and/or replace all broken windows and doors. Replace roof if roof is leaking. Make all repairs to foundation to level the house. Make repairs to flooring substructure, decking and finished flooring to a sound condition. Caulk all exterior windows and doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering

due to a lack of paint or other approved protective coatings. – Caulk, prime and paint the exterior or install an approved protective covering to weatherize.

3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings. – Replace all rotted wood or missing parts of wall covering or roof.

**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division. - Owner shall secure all structures on the property within 10 days of receipt of this letter or the City may.

You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance 8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter. Failure to abate may result in the city abating the conditions at your expense and a lien may be placed on your property.

You may submit to the building official a written response within thirty (30) calendar days after receipt of this notice a plan of action to correct or abate the above referenced violations. Such plan of action should include the following:



1. Specific actions to be taken by the owner
2. Cost estimates for required repair work
3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file





**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1216

Antonio Ortiz  
1025 S Willis St  
Abilene, TX 79605-3921

Case Number  
11-022

Re: Lot: 6  
Block: 179  
Addition: Radford, OT ABL  
Located at: 871/873 Cedar St

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005, and as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On May 10, 2011, the City of Abilene determined the property listed above to be substandard and condemned. On July 11, 2016, a certified letter was sent to the above address providing

notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on October 5, 2016, at 8:15AM in the EOC room, Suite B09 in the basement of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file





F ABILENE 325-676-6241

(ANYONE TO REMOVE OR DESTROY THIS NOTICE.)

—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON

OCTOBER 5, '16 AT 8:15 A.M.

All interested parties are urged to attend.  
676-6277

Owner Rights and Responsibilities

At the hearing you should be prepared to present the following information:

1. Specific time frame needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

Abilene - Sep 12, 2016, 3:51 PM





# FRONT/WEST SIDE





# SOUTH SIDE



- Mar 19, 2015, 9:41 AM



Abilene - Aug 23, 2016, 8:51 AM





# NORTH SIDE





# REAR/EAST SIDE





# NE CORNER AT REAR





# KITCHEN



# FRONT LIVING ROOM N APT





# LIVING ROOM SOUTH APT



# Staff Recommendation:

## Findings:

The owner(s), **Antonio Ortiz**, has/have received notice of the requirements of the Code for the Abatement of Dangerous Buildings and the owner was present at the April 1, 2015 Board Meeting.

On **April 1, 2015**, the board made the following order: **90 days to complete repairs and bring the property out of Condemnation**

Owner has failed to comply with the order of the board on **April 1, 2015**, and has failed to take action necessary for compliance with the ordinances.

## Order:

**Assess civil penalties, from April 1, 2015 to September 7, 2016 (524 days), in the amount of \$16.5157443 per day with a sum of \$8, 654.24999.**



**END OF  
871/873 CEDAR ST.  
PRESENTATION**





**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**SUBJECT: Case No. 12-043 – 424 Elm Creek Rd (AO349 20 A Thompson, Tract 2 (Hagar Addn)  
Acres 1.9  
Owner(s): Alton Jr & Alicia Smith**

---

**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
❑ Case No. 12-043	Backup Material
❑ 12-043 PowerPoint Revised	Backup Material



<b>Case No.</b>	<b>Address &amp; Description</b>	<b>Owner</b>	<b>Board Action</b>
<b>12-034</b>	<b>424 Elm Creek Rd</b> AO349 20 A Thompson, Tract 2 (Hagar Addn) Acres 1.90	Alton Jr & Alicia Smith PO Box 4139 Abilene, TX 79608	Condemned: August 6, 2012 12/4/14 – Granted 60 days to complete repairs and bring property out of condemnation. 4/2/15– Granted 90 days to Complete repairs and bring property out of condemnation 8/5/15 – Board followed staff recommendations and issued civil penalties.
<i>Sq. Ft.: 1080.0   Structural: Fair   Foundation: P   Value: \$10,110.0   Total: \$17,710.0</i> <i>Del. Tax: 0</i>			
As of 9/14/16, the building is secure and the lot is clean. Building permit was obtained on 4/17/13 and no inspections have been requested and the permit is currently expired. Electrical permits were obtained on 1/21/15 and rough-in inspections were made on 2/20/15. Their permit is currently expired. No other permits have been obtained for repair of this property. No request for time extension has been submitted.			

ITEM NO. 3 (c)

**CASE # 12-043**

**424 ELM CREEK RD.**



### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS  
NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL  
NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – WARRANTY DEED W/VENDOR'S LIEN IN FILE
- ☒ TAYLOR CAD/JONES COUNTY – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – IN FILE

SEARCH VALIDATES OWNER FOR 424 ELM CREEK RD TO BE: ALTON & ALICIA SMITH

VENDOR'S LIEN HELD BY: FIRST BANK TEXAS, SSB, ABILENE, TEXAS, TAYLOR COUNTY



Thursday, April 2, 2015



**CERTIFIED MAIL NO.**  
3646 1317

ALTON & ALICIA SMITH

PO BOX 4139  
ABILENE, TX 79608-4139

**Subject:** Notice of Findings of the Board of Building Standards

**Case Number:** 12-043

**Dear Property Owner:**

On **Wednesday, April 1, 2015**, in an open public meeting, the Board of Building Standards of the City of Abilene considered disposition of the house and/or other structure identified below and of which you are listed on the tax rolls as the owner:

Location: 424 ELM CREEK RD  
Lot: a0348  
Block: 20  
Addition: A THOMPSON

The decision of the Board was as follows:

Granted 90 days to rehabilitate the structure and bring the property out of condemnation. Failure to comply with the Board's order may result in the issuance of Civil Penalties which carry a maximum penalty of \$1000.00 per day from the date the owner took possession of the property. Structure is to be kept secure and the lot clean and mowed within 10 days or the City will do so and bill the owner. If the owner fails to pay, the City may place a lien against the property.

Appeal of the determination or requirements made by the Board of Building Standards must be made to the District Court within 30 days after receipt of this notice. If you fail to appeal within the 30 day period, the determination of the Board of Building Standards is final.

**Please contact me within the next ten days:**

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of the Board's decision.

**PLEASE NOTE:**

If the property is found to be in weed violation again during the calendar year, the property will be sold at 30-day intervals thereafter, without sending notice.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 678-6277  
cc: file

P.O. Box 60 • 555 Walnut • Abilene, TX 79601

7013 2630 0001 3646 1317

U.S. Postal Service	
<b>CERTIFIED MAIL® RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 1.98
Certified Fee	\$ 3.20
Return Receipt Fee (Endorsement Required)	\$ 2.20
Restricted Delivery Fee (Endorsement Required)	\$ 6.96
APR 02 2015 ABILENE, TEXAS	
ALTON & ALICIA SMITH PO BOX 4139 ABILENE, TX 79608-4139 RE: 424 ELM CREEK RD MM 12-043	




## BOARD OF BUILDING STANDARDS

### SIGN IN SHEET

Meeting of April 1, 2015

Please *print* your name

Address of Condemned Property  
(or address of property of interest to you)



Riley Branch	2417 Walnut
Cory Clements	
Kerry Sims	1518 Jeffrey 629 N. 2nd & 629 1/2
Charles Scarborough	726 Amarillo
Melvin Lee Carpenter	541 Oak
Darryl Carpenter	✓
Tony Ortiz	871 Cedar
DAVID A. LANE	1457 Yoemans
Alton & Alicia Smith	3006 Woodward Circle





# Minutes of April 1, 2015

Board of Building Standards  
Minutes April 1, 2015  
Page 6

Case No.	Address & Description	Owner	Board Action
12-043	424 Elm Creek Rd AO349 20 A Thompson Tract 2 (Hagar Add) Acres 1.9, Abilene, Taylor County, Texas	Alton & Alicia Smith PO Box 4139 Abilene TX 79608	90 days to bring property out of condemnation

Mr. Moffitt stated on December 3, 2014 the Board of Building Standards granted the property owner 60 days to bring property out of condemnation. There have been no interior finishes made since the last meeting. There has only been an electrical rough end inspection, no other permits have been obtained. The architectural finishes are only 20 percent complete.

The staff recommendation for finding: (1) The owners, Alton & Alicia Smith have received notice of the requirements of the Code for the Abatement of Dangerous Building and the current Minimum Standards for Buildings and Structures Division and was advised of his need to comply with those requirements. (2) On 12/3/2014 the board made the following order: 60 days to complete repairs. (3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.

Staff recommendation for order: move the board to assess civil penalties in the amount of \$11,400.00, being \$100.00 per day from 12/4/2014 to 4/1/2015.

Mrs. Smith stated they have not made much progress to this property. Mrs. Smith stated that they have a lot of properties in Abilene, and there was recently a fire to one of those properties. Mrs. Smith stated they have hired an electrical contractor and he has rewired all the electrical. The sheet rock is going to be installed soon. At the last meeting, Mrs. Smith requested 120 days and that requested was denied. Mrs. Smith feels that there should no problem with giving them more time, because this property is secluded from other residence. There has been new siding and a new roof installed. Mrs. Maddox asked when they purchased this property. Mrs. Smith stated they purchased this property in 2012. Mr. Ellinger asked Mrs. Smith how long it will take to bring this property out of condemnation. Mrs. Smith stated in her opinion that they would need 60 days. Mr. Moffitt stated that plumbing and mechanical still need to be inspected.

After discussion, Mr. Beard moved grant property owner 90 days to bring property out of condemnation and Mrs. Maddox seconded. The motion carried unanimously.

4. Mr. Turner moved to untable this case and Mr. McColum seconded and the motion carried unanimously.

Mr. David Sartor stated that there is a request to leave the foundation, after the demolition of the structure at 541 Oak St. The City Ordinance on a demolition of a structure requires that all footing, foundation, sidewalks, ect. be removed at the time of the building is demolished. There is an option for a request to the Board of Building Standard to ask that the slab remain for some purpose. The main reason for the request to have the foundation remain is in the engineer assessment a minimum of 5 foot of foundation needed to remain for the structural stability of a common wall. The foundation had many variations in height. This has to come before the board



Wednesday, August 5, 2015



CERTIFIED MAIL NO.  
3846 2352

ALTON & ALICIA SMITH

PO BOX 4139  
ABILENE, TX 79608-4139

Subject: Notice of Findings of the Board of Building Standards

Case Number: 12-043

Dear Property Owner:

On Wednesday, August 5, 2015, in an open public meeting, the Board of Building Standards of the City of Abilene considered disposition of the house and/or other structure identified below and of which you are listed on the tax rolls as the owner:

Location: 424 ELM CREEK RD  
Lot: a0349  
Block: 20  
Addition: A THOMPSON

The decision of the Board was as follows:

The Board followed the staff's recommendation to assess civil penalties in the amount of \$8924.00 being \$75.00 per day from April 1, 2015 to August 5, 2015. Structure is to be kept secure and the lot clean and mowed within 10 days or the City will do so and bill the owner. If the owner fails to pay, the City may place a lien against the property.

Appeal of the determination or requirements made by the Board of Building Standards must be made to the District Court within 30 days after receipt of this notice. If you fail to appeal within the 30 day period, the determination of the Board of Building Standards is final.

Please contact me within the next ten days:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of the Board's decision.

PLEASE NOTE:

If the property is found to be in weed violation again during the call, mowing the property at 30-day intervals thereafter, without sending

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 675-8277  
cc: file

P.O. Box 60 • 555 Walnut • Abilene, TX 79601

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>®</sup> RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 4.85
Carriage Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 11.10
Sent to	
Alton & Alicia Smith	
PO Box 4139	
Abilene, TX 79608-4139	
MAIL 12-043	

687 MM 12-043

ALTON & ALICIA SMITH  
PO BOX 4139  
ABILENE, TX 79608-4139  
Subject: Notice of Findings of the Board of Building Standards

79608-4139

DATE 7/30/2015  
RETURN TO SENDER  
UNDELIVERABLE  
UNABLE TO FORWARD  
BC 79608-4139  
424 ELM CREEK RD  
ABILENE, TX 79608-4139





July 11, 2016

Certified Mail No.  
8699 0295

Alton Jr & Alicia Smith  
PO Box 4139  
Abilene, TX 79608

Case Number  
12-043

Re: Notice of Violation  
Lot: A0349 20  
Block: Tract 2  
Addition: A Thompson  
Located at: 424 Elm Creek Rd

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinance Minimum Standards for Buildings and Structures, by this notice or structure at the above referenced address was inspected and found to be in condition(s) endanger(s) the health, safety or welfare of the community and is hereby declared to be substandard and condemned due to:

Pursuant to the below cited sections of the Municipal Code:

- Inadequate Sanitation, Chapter 8; Sec. 8-554, (1)
1. Lack of hot or cold running water to plumbing fixtures
  2. Lack of adequate heating facilities



**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances. Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.

Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

**Remedies for violations and conditions which constitute a substandard structure are as follows:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d), (e)**

1. Lack of hot or cold running water to plumbing fixtures - Retain licensed and bonded Plumber to bring plumbing up to current code or obtain a plumbing permit and follow the required inspection process.
2. Lack of adequate heating facilities - Retain licensed and bonded plumber, electrician or mechanical contractor to bring system up to code. [Type of heat system will determine type of contractor]



**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b),  
Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division. - Owner shall secure all structures on the property within 10 days of receipt of this letter or the City may.

You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance §8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter. Failure to abate may result in the city abating the conditions at your expense and a lien may be placed on your property.

You may submit to the building official a written response within thirty (30) calendar days after receipt of this notice a plan of action to correct or abate the above referenced violations. Such plan of action should include the following:

1. Specific actions to be taken by the owner
2. Cost estimates for required repair work
3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file



CERTIFIED MAIL



CITY OF ABILENE  
PO Box 90  
Abilene, TX 79604-0090



7015 0640 0003 0699 0295



US POSTAGE  
ZIP 79601  
02 19  
0601309328 JUL 12 2016  
\$ 006.67<sup>6</sup>

147-13

*Item 12-043*  
Allen Jr & Alicia Smith  
PO Box 4139  
Abilene, TX 79608

Case No

12-04

75604006060

NIXIE 750 DE 1 007/22/16  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
3C: 75604006060 \*2382-00338-12-43  
75604006060





**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1209

Alton & Alicia Smith  
3026 ~~Woodway~~ Circle  
Abilene, TX 79606

Case Number  
12-043

Re: Lot: AO349  
Block: Tract 2  
Addition: A Thompson (Hagar ~~Addn~~)  
Located at: 424 Elm Creek Rd

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005. ~~and~~ as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On August 6, 2012, the City of Abilene determined the property listed above to be substandard and condemned. On July 11, 2016, a certified letter was sent to the above address providing

notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on October 5, 2016, at 8:15AM in the EOC room, Suite B09 in the basement of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file





**CONTACT CITY OF ABILENE 325-676-6241**

**(IT IS A VIOLATION OF THE LAW FOR ANYONE TO REMOVE OR DESTROY THIS NOTICE.)**

**—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON  
OCTOBER 5, 2016 AT 8:15 A.M.  
All interested parties are urged to attend.  
676-6277**

**Owner Rights and Responsibilities**

**At the hearing you should be prepared to present the following information:**

- 1. Specific time frame needed to complete repairs.**
- 2. Specific scope of repair work to be completed.**
- 3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.**

**You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.**

Abilene - Sep 12, 2016, 3:29 PM





# FRONT SOUTH SIDE





# EAST AND NORTH SIDE





# NORTH SIDE REAR DECK



- Mar 19, 2015, 9:21 AM



Abilene - Aug 23, 2016, 9:17 AM





# INTERIOR ROOM AT NW CORNER

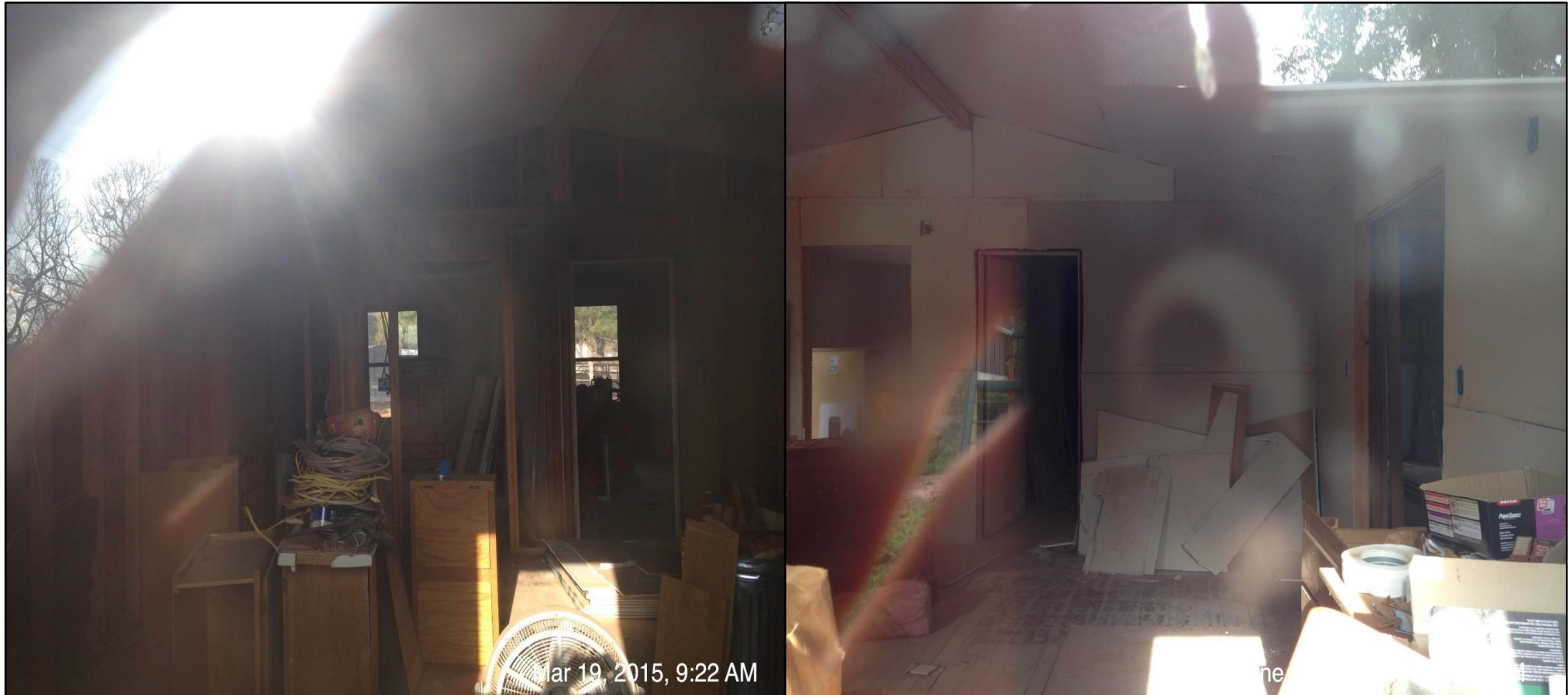


# FRONT SW CORNER ROOM





# MAIN LIVING AREA



# Staff Recommendations:

## Findings:

The owner(s), Alton & Alicia Smith, has/have received notice of the requirements of the Code for the Abatement of Dangerous Buildings and the owners were present at the April 1, 2015 Board Meeting.

On **April 1, 2015**, the board made the following order: **90 days to complete repairs and bring the property out of Condemnation**

Owner has failed to comply with the order of the board on **April 1, 2015**, and has failed to take action necessary for compliance with the ordinances.

## Order:

**Assess civil penalties, from April 1, 2015 to September 7, 2016 (524 days), in the amount of \$17.0305344 per day with a sum of \$8,924.00.**



**END OF  
424 ELM CREEK  
RD.  
PRESENTATION**







**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**Case No. 16-007 – 326 Cottonwood St (OT Abilene, Block 99, Lot 3)  
SUBJECT: Owner(s): Mrs. Romero Candelario**

---

**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
☐ Case No. 16-007	Backup Material
☐ 16-007 PowerPoint Revised	Backup Material

<b>Case No.</b>	<b>Address &amp; Description</b>	<b>Owner</b>	<b>Board Action</b>
<b>16-007</b>	<b>326 Cottonwood St</b> OT Abilene, Block 99, Lot 3	Mrs. Candelario Romero % Robert Romero 1106 Stone Creek Dr Mansfield, TX 76063-6235	Condemned: March 21, 2016
<i>Sq. Ft.: <b>864.0</b> Structural: <b>Poor</b> Foundation: <b>Pier &amp; Beam</b> Value: <b>\$3,942.0</b> Total: <b>\$4,642.0</b></i> <i>Del. Tax: <b>\$0</b></i>			
As of 09/14/2016, the City has cleaned the lot, mowed the lot and secured the structure. No permits have been obtained for repair of this property. No request for time extension has been submitted.			

ITEM NO. 3 (d)

**CASE # 16-007**

**326 COTTONWOOD ST.**





### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – NO RECORDED DEED; NO PLAT RECORDED; AFFIDAVIT OF HEIRSHIP RECORDED RAYMOND ROMERO TO BE SOLE HEIR – DECEASED; RAYMOND'S WIFE, ALICE B ROMERO WOULD BE THE NEXT LEGAL OWNER AND SHE ALSO IS DECEASED. THE PROPERTY IS LEFT IN CARE OF ROBERT ROMERO WHO IS NOT AN IMMEDIATE FAMILY MEMBER NOR IS HE LISTED IN THE DEED OF HEIRSHIP. IN FILE
- ☒ TAYLOR CAD – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – NO RECORDS EXISTS FOR THIS PROPERTY FOR WATER USAGE OR TRASH PICK-UP. – VERIFICATION IN FILE

SEARCH REVEALS THERE IS NO LEGAL OWNER ALIVE AND NO ONE HAS BEEN ASSIGNED OWNERSHIP IN TAYLOR COUNTY RECORDS: PROPERTY IS IN CARE OF ROBERT ROMERO ACCORDING TO TAYLOR CAD. (THIS USUALLY MEANS THE PERSON WHO IS PAYING THE TAXES)



Monday, March 21, 2016



ROMERO CANDELARIO % ROBERT ROMERO  
1108 STONE CREEK DR  
MANSFIELD, TX 76063-6235

**CERTIFIED MAIL NO.**  
3848 4011

**Case Number: 16-007**

RE: Lot: 3  
Block: 99  
Addition: OT ABILENE  
Located at: 328 COTTONWOOD ST

Dear Property Owner:

The tax rolls list you as the owner of the building located on the above described property in the City of Abilene, Taylor County, Texas. Please contact me within the next ten (10) days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in the property; or
3. You know that the owner(s) of the property is attempting to sell the property.

If any of the above exist, please contact the owner(s) and any interested person(s) to inform them of this **NOTICE OF CONDEMNATION**.

In accordance with the code of the City of Abilene, Texas, Chapter 8, Article VI, Division 6, Minimum Standards for Buildings and Structures, you are hereby notified that the building you own was inspected on **03/21/2016**.

The following listed conditions exist to an extent that endangers the life of the public. The building is hereby declared to be a substandard building to the following conditions:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Inadequate Sanitation             | <input checked="" type="checkbox"/> Faulty Weather Protection        |
| <input checked="" type="checkbox"/> Structural Hazards                | <input checked="" type="checkbox"/> Faulty Materials of Construction |
| <input checked="" type="checkbox"/> Nuisance                          | <input checked="" type="checkbox"/> Inadequate Maintenance           |
| <input checked="" type="checkbox"/> Hazardous Wiring                  | <input checked="" type="checkbox"/> Hazardous or Unsafe Premises     |
| <input checked="" type="checkbox"/> Hazardous Plumbing                | <input checked="" type="checkbox"/> Other-Unsecured                  |
| <input checked="" type="checkbox"/> Hazardous/No Mechanical Equipment |  |
| <input type="checkbox"/> Fire Damage                                  |  |

U.S. Postal Service  
**CERTIFIED MAIL<sup>®</sup> RECEIPT** 687  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 1.705
Certified Fee	3.45
Return Receipt Fee (Domestic Mail Only)	2.80
Registered Delivery Fee (Domestic Mail Only)	2.85

ROMERO CANDELARIO MRS  
% ROBERT ROMERO  
1108 STONE CREEK DR  
MANSFIELD, TX 76063-6235  
RE: 328 COTTONWOOD ST, ABL, TX

PS Form 3842, 4-01-15 © 2015

The conditions listed above must be corrected. In accordance with the Code(s), you are hereby notified to correct the conditions which at the present time place you in violation of the Code(s). Continued violation of the City Codes may result in the City of Abilene obtaining an injunction to (1) prohibit specified future conduct in violation of City ordinances or, (2) requiring specific conduct necessary for compliance with the ordinance. Also, the City of Abilene may recover in a suit against the owner of this property, or the owner's representative with control over the premises, a civil penalty of up to one thousand dollars (\$1000.00) a day for each day of ordinance violation.

Occupancy of this property is prohibited until the above noted violations are abated. You are hereby notified to begin to repair, renovate, demolish or remove the structure on this property within 60 days after obtaining the required permits from the City of Abilene Building Inspections Department.

If you fail to comply with this notice, you will be cited to appear before the Board of Building Standards. You may appeal the determination or requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of such appeal by the Board of Building Standards, unless an emergency (as determined by the Building Official and as defined by applicable law) exists.

Please note that if you fail to appeal within the ten day period, my determination and requirements, if any, are final.

In addition to the above Notice of Condemnation, you are further advised that all trash, debris and high weeds must be removed from the lot within ten (10) days from the date of this notice or the City may do so and bill the owner. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 675-6277  
cc: file

Enclosed: General Repair List  
City of Abilene Weed Control Requirements  
cc: Weed Abatement Office

P.O. Box 60 • 535 Walnut • Abilene, Texas 79604



7013 2430 0001 3846 4031

**CERTIFIED MAIL**



U.S. POSTAGE & PRIVATE DELIVERY PERMIT NO. 1000  
 21P TGS01 \$ 006.95  
 02 1R  
 0001355328MAY 24 2016

200-21-2948

ROMERO CANDELARIO % ROBERT ROMERO  
1106 STONE CREEK DR  
MANSFIELD, TX 76063-6235

7606355255CF  
7995419955

[illegible]





June 22, 2016

Certified Mail No.  
8699 0165

Romero Candelario Mrs  
% Robert Romero  
1106 Stone Creek Dr  
Mansfield, TX 76063-6235

Case Number  
16-007

Re: Notice of Condemnation  
Lot: 3  
Block: 99  
Addition: OT Abilene  
Located at: 326 Cottonwood St

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinances, Chapter 8, Section 8-554, (2), (g), Minimum Standards for Buildings and Structures, by the condition(s) endanger(s) the health, safety or welfare of the community, I hereby declare to be substandard and condemned due to:

Pursuant to the below cited sections of the Municipal

Inadequate Sanitation, Chapter 8; Sec. 8-554, (2), (g)

1. Lack of hot or cold running water to plumbing
2. Lack of adequate heating facilities
3. General dilapidation or improper maintenance

U.S. Postal Service®  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL**

7015 0640 0003 8699 0165

Enter Service & Fee (check box, add fee if required)

<input checked="" type="checkbox"/> Return Receipt (hard-copy)	\$3.50
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$2.50
<input checked="" type="checkbox"/> Adult Signature Required	\$0.00
<input checked="" type="checkbox"/> Adult Signature Restricted Delivery	\$2.50

Postage

MRS CANDELARIO ROMERO  
% ROBERT ROMERO  
1106 STONE CREEK DR  
MANSFIELD, TX 76063-6235  
RE: 326 COTTONWOOD ST

7015 0640 0003 8699 0165

U.S. POSTAGE

**Structural Hazards, Chapter 8; Sec. 8-554, (2), (g)**

1. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.

**Nuisance, Chapter 19, Sec. 15, (b, d & s)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof
3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkways and alleys, which is (5) acres or less, except as provided by section 19-16 of this chapter.

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings.
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings.

**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances. Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with

this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.

Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

Remedies for violations and conditions which constitute a substandard structure are as follows:

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d, e, f)**

1. Lack of hot or cold running water to plumbing fixtures – Retain licensed and bonded Plumber to bring plumbing up to current code
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1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings. – Remove all of the above and keep lot clean and mowed.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof. – Make all repairs to the interior and exterior of structure to comply with all requirements set forth by the Building Inspections Dept. and bring the property out of condemnation
3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkways and alleys, which is (5) acres or less, except as provided by section 19-16 of this chapter. – Mow and weed eat the entire property from center of street to center of alley and to adjacent property line.

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

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foundation to level the house. Make repairs to flooring substructure, decking and finished flooring to a sound condition. Caulk all exterior windows and doors.

2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings. – Caulk, prime and paint the exterior or install an approved protective covering to weatherize.
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You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance 8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter. Failure to abate may result in the city abating the conditions at your expense and a lien may be placed on your property.



You may submit to the building official a written response within thirty (30) calendar days after receipt of this notice a plan of action to correct or abate the above referenced violations. Such plan of action should include the following:

1. Specific actions to be taken by the owner
2. Cost estimates for required repair work
3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file







June 22, 2016

**Certified Mail No.**  
8699 0554

Alice B Romero  
1742 N 2nd St  
Abilene, TX

**Case Number**  
16-003

**Re:** Notice of Condemnation  
Lot: 3  
Block: 99  
Addition: OT Abilene  
Located at: 326 Cottonwood St

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinances, Chapter 8, Article VI, Division 6, Minimum Standards for Buildings and Structures, by this or structure at the above referenced address was in such condition(s) endanger(s) the health, safety or welfare of hereby declared to be substandard and condemned due to:

**Pursuant to the below cited sections of the Municipal Code:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1)**

1. Lack of hot or cold running water to plum
2. Lack of adequate heating facilities
3. General dilapidation or improper maintenance

**Structural Hazards, Chapter 8; Sec. 8-554, (2), (g)**

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [usps.com](http://usps.com).

**OFFICIAL USE**

Certified Mail Fee: \$5.50  
Certified Mail Restricted Delivery Fee: \$3.00  
Certified Mail Return Receipt Fee: \$2.80  
Certified Mail Signature Confirmation Fee: \$2.80  
Certified Mail Signature Restricted Delivery Fee: \$2.80  
Certified Mail Signature Restricted Delivery Fee: \$2.80

ALICE B ROMERO  
1742 N 2ND ST  
ABILENE, TX 79603  
RE 326 COTTONWOOD ST  
MM 16-003

PS Form 3800, 4-1-2015 PSN 7530-02-000-90-1 See Reverse for Instructions

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Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file







**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

August 22, 2016

Certified Mail No.  
8699 0950

Robert Romero  
1106 Stone Creek Dr  
Mansfield, TX 76063-6235

Case Number  
16-007

Re: Lot: 3  
Block: 99  
Addition: OT Abilene  
Located at: 326 Cottonwood St

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005, and as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On March 21, 2016, the City of Abilene determined the property listed above to be substandard and condemned. On June 22, 2016, a certified letter was sent to the above address providing

notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures Division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on September 7, 2016, at 8:15AM in the Council Chambers of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file



**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1223

Robert Romero  
1106 Stone Creek Dr.  
Mansfield, TX 76063-6235

Case Number  
16-007

Re: Lot: 3  
Block: 99  
Addition: OT Abilene  
Located at: 326 Cottonwood St

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notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on October 5, 2016, at 8:15AM in the EOC room, Suite B09 in the basement of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

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Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file





—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON

OCTOBER 5, 2016 AT 8:15 A.M.

All interested parties are urged to attend.  
676-6277

Owner Rights and Responsibilities

At the hearing you should be prepared to present the following information:

1. Specific time frame needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.





# FRONT/EAST SIDE





# SOUTH SIDE







Abilene - Mar 21, 2016, 4:00 PM



Abilene - Aug 23, 2016, 9:41 AM







Abilene - Mar 21, 2016, 4:02 PM



Abilene - Mar 21, 2016, 4:02 PM







Abilene - Aug 23, 2016, 9:41 AM



Abilene - Aug 23, 2016, 9:41 AM



# Staff Recommendations:

## Findings:

**The property is a hazard to the public health safety and welfare and is therefore a public nuisance.**

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

Inadequate Sanitation, Sec 1, (d, e, f)

Structural Hazards, Sec 2, (g)

Nuisance (Chapter 19-15, d)

Hazardous Electrical Wiring, Sec 4

Hazardous Plumbing, Sec 5

Faulty Weather Protection, Sec 7, (b, c, d)

Faulty Materials of Construction, Sec 9, (a)

## Order:

**The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.**





**END OF  
326 COTTONWOOD ST.  
PRESENTATION**





**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**Case No. 16-011 – 1925 N 19<sup>th</sup> St (College Heights, Block 57, Lot E50 of 11 & 12)**  
**SUBJECT: Owner(s): Bill Gregston**

---

**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
☐ Case No. 16-011	Backup Material
☐ 16-011 PowerPoint Revised	Backup Material

<b>Case No.</b>	<b>Address &amp; Description</b>	<b>Owner</b>	<b>Board Action</b>
<b>16-011</b>	<b>1925 N 19<sup>th</sup> St</b> College Heights, Block 57, Lot E50 of 11 & 12	Bill Gregston 1233 Musken Rd, Apt C Abilene, TX 79601-5505	Condemned: June 13, 2016
<i>Sq. Ft.: 753.0 Structural: <b>Poor</b> Foundation: <b>Pier &amp; Beam</b> Value: <b>\$10,574.0</b> Total: <b>\$11,624.0</b></i> <i>Del. Tax: <b>\$0</b></i>			
As of 09/14/16, the City has cleaned and mowed the lot and secured the structure. No permits have been obtained for repair of this property. No request for time extension has been submitted.			



ITEM NO. 3 (e)

**CASE # 16-011**

**1925 N. 19<sup>TH</sup> ST.**



### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – DEED OF TRUST; WARRANTY DEED WITH VENDOR'S LIEN - IN FILE
- ☒ TAYLOR CAD – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – RECORDS SHOW BILL GREGSTON TO BE THE LAST ACCOUNT HOLDER AND USER OF UTILITIES, – IN FILE

SEARCH REVEALS BILL GREGSTON TO BE THE LEGAL OWNER. LIENHOLDERS SHOWN TO BE JAMES AND JEAN LANG. MR LANG CALLED ON 6/16/2016 AT 12:57 PM TO NOTIFY ME THAT THE LIEN WAS SATISFIED YEARS AGO. – VM IN FILE. MR LANG HAS NO INTEREST IN PROPERTY AND NO RELEASE OF LIEN WAS FILED. MR. LANG STATED HE WOULD FILE THE RELEASE OF LIEN ASAP.





June 13, 2016

Certified Mail No.  
3846 4295

Bill Gregston  
1925 N 19<sup>th</sup> St  
Abilene, TX 79603-3622

Case Number  
16-011

Re: Notice of Condemnation  
Lot: E50 of 11 & 12  
Block: 57  
Addition: College Heights  
Located at: 1925 N 19<sup>th</sup> St

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinances, Chapter 8, Article VI, Division 6, Minimum Standards for Buildings and Structures, by this letter you are notified that the property at the above referenced address was in condition(s) endanger(s) the health, safety or welfare hereby declared to be substandard and condemned due

Pursuant to the below cited sections of the Municipal

Inadequate Sanitation, Chapter 8; Sec. 8-554

1. Lack of hot or cold running water to
2. Lack of adequate heating facilities
3. General dilapidation or improper main

5624 9496 1000 0692 6102

U.S. Postal Service  
CERTIFIED MAIL - RECEIPT  
(Domestic Mail Only, No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 6.77  
Certified Fee  
Return Receipt Fee (if requested)  
Insured Delivery Fee (if requested)

6.77

BILL GREGSTON  
1925 N 19<sup>TH</sup> ST  
ABILENE, TX 79603  
MM 16-011

ABILENE, TX JUN 14 2016  
USPS

Nuisance, Chapter 19, Sec.15, (b,d & s)

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof
3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkways and alleys, which is (5) acres or less, except as provided by section 19-16 of this chapter.

Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings.
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings.

Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (a)

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances. Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.



Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

**Remedies for violations and conditions which constitute a substandard structure are as follows:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d, e, f)**

1. Lack of hot or cold running water to plumbing fixtures – **Retain licensed and bonded Plumber to bring plumbing up to current code**
2. Lack of adequate heating facilities – **Retain licensed and bonded plumber, electrician or mechanical contractor to bring system up to code. (Type of heat system will determine type of contractor)**
4. General dilapidation or improper maintenance – **Retain Licensed and bonded contractors to insure all sanitary systems are up to code.**

**Nuisance, Chapter 19, Sec.15, (b & d)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings. – **Remove all of the above and keep lot clean and mowed.**
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3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkways and alleys, which is (5) acres or less, except as provided by section 19-16 of this chapter. – **Mow and weed eat the entire property from center of street to center of alley and to adjacent property line.**

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

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You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance 8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter. Failure to abate may result in the city abating the conditions at your expense and a lien may be placed on your property.



You may submit to the building official a written response within thirty (30) calendar days after receipt of this notice a plan of action to correct or abate the above referenced violations. Such plan of action should include the following:

1. Specific actions to be taken by the owner
2. Cost estimates for required repair work
3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file



7013 2630 0003 3046 4295



SCANNED MAIL



Bill Gregston  
1925 N 19th St  
Abilene, TX 79603-3022

MAY 16-2011

Case No  
16-01

5 DAY RETURN REQUEST  
NEXT 750 92 1 2206/19/16  
RETURN TO SENDER  
UNABLE TO FORWARD  
BC: 79604006060 \*7358-05067-14-39  
http://www.usps.com



P.O. Box 80  
Abilene, TX 79601-0080



Bill Gregston

MAY 16-2011

NIXIE 750 FE 1 0006/21/16



June 13, 2016

**Certified Mail No.**  
3846 2697

James E & Jean W Lang  
838 Comanche Tr.  
Abilene, TX 79601

**Case Number**  
16-011

Re: Notice of Condemnation  
Lot: E50 of 11 & 12  
Block: 57  
Addition: College Heights  
Located at: 1925 N 19<sup>th</sup> St

Dear Property Owner:

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Please contact me within the next ten days if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinances, Chapter 8, Article VI, Division 6 Minimum Standards for Buildings and Structures, by the structure at the above referenced address was in poor condition(s) endanger(s) the health, safety or welfare of the community and is hereby declared to be substandard and condemned due to:

**Pursuant to the below cited sections of the Municipal**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (**

1. Lack of hot or cold running water to plumbing
2. Lack of adequate heating facilities
3. General dilapidation or improper maintenance

U.S. Postal Service<sup>®</sup>  
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(Domestic Mail Only. No Insurance Coverage Provided)  
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**OFFICIAL USE**

Postage \$ 6.75  
Certified Fee  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)

JAMES E & JEAN W LANG  
838 COMANCHE TR  
ABILENE, TX 79601  
RE: 1925 N 19<sup>TH</sup> ST  
MM 16-011

ABILENE, TX MAIN OFFICE  
JUN 14 2016  
USPS

PS Form 3800, July 2015 ©2015 U.S. Postal Service

**Nuisance, Chapter 19, Sec.15, (b,d & s)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
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3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkways and alleys, which is (5) acres or less, except as provided by section 19-16 of this chapter.

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Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

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You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance 8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

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Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements

cc: file; Bill Gregston



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3. Specific completion date in which violations will be corrected or abated.

Issuance of a notice of violation shall not be a bar against taking any other action against the person, nor shall issuance of a notice of violation be a prerequisite for taking any other action against the person.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosed: General Repair List  
City of Abilene Weed Control Requirements  
cc: file





**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1230

Bill Gregston  
1233 Musken Rd, Apt C  
Abilene, TX 79601-5505

Case Number  
16-011

Re: Lot: E50 of 11 & 12  
Block: 57  
Addition: College Heights  
Located at: 1925 N 19<sup>th</sup> St

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005, and as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On June 13, 2016, the City of Abilene determined the property listed above to be substandard and condemned. On August 8, 2016, a certified letter was sent to the above address providing

notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on **October 5, 2016, at 8:15AM** in the EOC room, Suite B09 in the basement of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file





(IT IS A VIOLATION OF THE LAW FOR ANYONE TO REMOVE OR DESTROY THIS NOTICE.)

—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON  
*OCTOBER 5, 2016* AT 8:15 A.M.  
All interested parties are urged to attend.  
676-6277

*Owner Rights and Responsibilities*

At the hearing you should be prepared to present the following information:

1. Specific time frame needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

Abilene - Sep 12, 2016, 3:41 PM





# FRONT/NORTH SIDE





# EAST SIDE





# WEST SIDE





# REAR/SOUTH SIDE



Abilene - Jun 13, 2016, 8:39 AM



Abilene - Aug 23, 2016, 9:02 AM







Abilene - Jun 13, 2016, 8:41 AM



Abilene - Jun 13, 2016, 8:42 AM







Abilene - Jun 13, 2016, 8:42 AM



Abilene - Jun 13, 2016, 8:42 AM







Abilene - Aug 23, 2016, 8:42 AM



Abilene - Aug 23, 2016, 9:02 AM



# Staff Recommendations:

## Findings:

**The property is a hazard to the public health safety and welfare and is therefore a public nuisance.**

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

Inadequate Sanitation, Sec 1, (d, e, f)

Structural Hazards, Sec 2, (g)

Nuisance (Chapter 19-15, d)

Hazardous Electrical Wiring, Sec 4

Hazardous Plumbing, Sec 5

Faulty Weather Protection, Sec 7, (b, c, d)

Faulty Materials of Construction, Sec 9, (a)

## Order:

**The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.**





**END OF  
1925 N 19<sup>TH</sup> ST  
PRESENTATION**





**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO:**

**FROM:**

**Case No. 16-014 – 1550 Pecan St (7 208 4 I John Tuohy, OT ABL)**  
**SUBJECT: Owner(s): Roy Lemmons**

---

**GENERAL INFORMATION**

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
❑ Case No. 16-014	Backup Material
❑ 16-014 PowerPoint Revised	Backup Material

<b>Case No.</b>	<b>Address &amp; Description</b>	<b>Owner</b>	<b>Board Action</b>
<b>16-014</b>	<b>1550 Pecan St</b> 7 208 4 I John Tuohy, OT ABL	Roy Lemmons % James Miller 1534 Pecan St Abilene, TX 79602-4921	Condemned: July 12, 2016
<i>Sq. Ft.: <b>848.0</b> Structural: <b>Poor</b> Foundation: <b>Pier &amp; Beam</b> Value: <b>\$6,110.0</b> Total: <b>\$7,985.0</b></i> <i>Del. Tax: <b>\$0</b></i>			
As of 09/14/16, the lot needs to be cleaned and mowed and the structure is unsecured. No permits have been obtained for repair of this property. No request for time extension has been submitted.			



ITEM NO. 3 (f)

**CASE # 16-014**

**1550 PECAN ST.**



### CHECKLIST FOR RECORDS SEARCH

RECORDS ARE TO BE SEARCHED WHEN A CASE IS OPENED AND BEFORE SENDING BOBS  
NOTICE

DATE OF SEARCH JULY 26, 2016

RECORDS SHOWN BELOW VERIFY PROOF OF OWNERSHIP AND LIENHOLDERS TO WHICH ALL  
NOTICES SHALL BE SENT

- ☒ COUNTY RECORDS – NO RECORDS SHOWING LEGAL OWNER. AFFIDAVIT OF HEIRSHIP  
OF JAMES MILLER - IN FILE
- ☒ TAYLOR CAD – IN FILE
- ☒ SECRETARY OF STATE – IN FILE
- ☐ TAX RECORDS OF THE MUNICIPALITY – NOT APPLICABLE
- ☒ UTILITY RECORDS OF THE MUNICIPALITY – RECORDS SHOW BILL GREGSTON TO BE THE  
LAST ACCOUNT HOLDER AND USER OF UTILITIES. – IN FILE

SEARCH REVEALS NO RECORDED OWNER, NO DEED OF RECORD FOR THIS ADDRESS. TAYLOR  
CAD SHOWS OWNER TO BE ROY LEMMONS. WHEN ASKED HOW TAYLOR CAD CAME TO THIS  
CONCLUSION, THEY STATED THAT MR LEMMONS WAS THE PERSON PAYING THE TAXES AND  
THEY DID NOT HAVE PROOF OF OWNERSHIP IN CURRENT RECORDS. JAMES MILLER WAS MR.  
LEMMONS NEIGHBOR AND THE PROPERTY WAS LEFT IN CARE OF MR. MILLER. AFFIDAVIT OF  
HEIRSHIP DOES NOT MENTION THIS PROPERTY AS BEING LEFT TO ANY OF MR. MILLER'S HEIRS.





July 12, 2016

Certified Mail No.  
8699 0301

Roy Lemmons  
% James Miller  
1534 Pecan St  
Abilene, TX 79602-4921

Case Number  
16-014

Re: Notice of Condemnation  
Lot: 7  
Block: 204  
Addition: I John Tunhy, OT ABL  
Located at: 1550 Pecan St

Dear Property Owner:

According to the real property record of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Please contact me within the next ten days if:

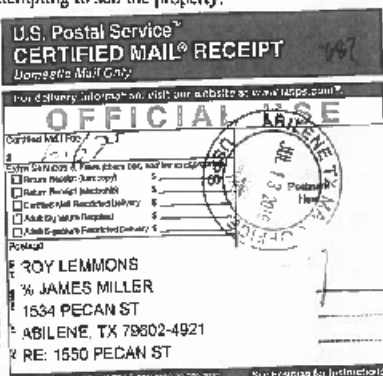
1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

In accordance with the City of Abilene Code of Ordinance Minimum Standards for Buildings and Structures, by or structure at the above referenced address was in condition(s) endanger(s) the health, safety or welfare hereby declared to be substandard and condemned due

Pursuant to the below cited sections of the Municipality

Inadequate Sanitation, Chapter 8; Sec. 8-554,

1. Lack of hot or cold running water to p
2. Lack of adequate heating facilities



### 3. General dilapidation or improper maintenance

Structural Hazards, Chapter 8; Sec. 8-554, (2), (g)

1. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.

Nuisance, Chapter 19, Sec. 15, (b, d & s)

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings.
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof,
3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkway and alleys, which is five (5) acres or less, except as provided by section 19-16 of this chapter.

Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings.
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings.

Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division.

The conditions listed above must be corrected. This list of conditions may not be an exhaustive list of all violations that must be remedied in order for the property to be brought into compliance with the City of Abilene Municipal Code. This letter notifies you that you must correct all the conditions which are currently in violation of the City code of ordinances.



Continued violation of the ordinances may result in civil or criminal penalties, review by and orders of the Board of Building Standards, including a demolition order or other remedies at law. Failure to comply with this notice of violation constitutes a Class C Misdemeanor, punishable by up to a \$500 fine for each day the violation exists.

Occupancy of this property is prohibited until the above violations are abated and the property is released from condemnation. If you occupy or allow another person to occupy this condemned property, you have failed to comply with this notice of violation and your actions constitute a Class C Misdemeanor.

You are hereby notified to take the following corrective measures immediately and, obtain the required permits from the City of Abilene Building Inspection Division to perform the following work:

**Remedies for violations and conditions which constitute a substandard structure are as follows:**

**Inadequate Sanitation, Chapter 8; Sec. 8-554, (1), (d, e, f)**

1. Lack of hot or cold running water to plumbing fixtures – **Retain licensed and bonded Plumber to bring plumbing up to current code**
2. Lack of adequate heating facilities – **Retain licensed and bonded plumber, electrician or mechanical contractor to bring system up to code. (Type of heat system will determine type of contractor)**
4. General dilapidation or improper maintenance – **Retain Licensed and bonded contractors to insure all sanitary systems are up to code.**

**Structural Hazards, Chapter 8; Sec. 8-554, (2), (g)**

1. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle. – **Repair all components of roof structure; including rafters, sheathing and roofing materials**

**Nuisance, Chapter 19, Sec.15, (b & d)**

1. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, stagnant water or any object or matter that may cause injury, death or disease to human beings. – **Remove all of the above and keep lot clean and mowed.**
2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof. – **Make all repairs to the interior and exterior of structure to comply with all requirements set forth by the Building Inspections Dept. and bring the property out of condemnation**
3. Grasses, weeds or brush at a height greater than twelve (12) inches on any lot, tract or parcel of land, including the adjacent parkway and alleys, which is five (5) acres or less, except as provided by section 19-16 of this chapter. – **Mow and weed eat the entire property from center of street to center of alley.**

**Faulty Weather Protection, Chapter 8; Sec. 8-554, (7), (b, c, d)**

1. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors. – **Repair and/or replace all broken**

**windows and doors. Replace roof if roof is leaking. Make all repairs to foundation to level the house. Make repairs to flooring substructure, decking and finished flooring to a sound condition. Caulk all exterior windows and doors.**

2. Defective or lack of weather protection for exterior wall coverings, including the absence of paint where paint is needed to prevent weathering, or weathering due to a lack of paint or other approved protective coatings. – **Caulk, prime and paint the exterior or install an approved protective covering to weatherize.**
3. Broken, rotted, split, buckled, or missing exterior wall coverings or roof coverings. – **Replace all rotted wood or missing parts of wall covering or roof.**

**Authority of the Building Official/Responsibility of Owner - Chapter 8; Sec. 8-551 (b), Sec. 8-553 (e)**

1. The building official is authorized to require a condemned structure to be secured from outside entry and shall bill the owner for the costs associated with securing the structure if the costs are borne by the city.
2. This division shall apply to all existing residential and nonresidential structures and to all existing premises. This division shall be the minimum standard for the continued use and occupancy of all buildings, property or structures, regardless of when they were constructed. This division establishes the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. This division prescribes the responsibility of owners, the authority to direct the securement, occupancy, repair, and demolition of structures and premises, and establishes civil and criminal penalties for violations of this division. - **Owner shall secure all structures on the property within 10 days of receipt of this letter or the City may.**

You are required to keep the property secured and maintain the Notice of Condemnation that is posted on the property. In the event the posted notice fails to remain on the affected structure, the city may replace the notice and bill you for the cost of re-posting the notice. Failure to maintain the notice posted on the property constitutes a Class C Misdemeanor, per City Ordinance 8-556.

You may appeal this determination or the requirements made by the Code Enforcement Officer by filing a written notice of appeal with the office of Community Enhancement within ten (10) days after the service of this notice. If such an appeal is properly filed within the ten day period, compliance with this notice shall not be required pending a hearing of the appeal by the Board of Building Standards unless an imminent hazard exists per City Ordinance §8-555. Please note that if you fail to appeal within the ten day period, this determination is final.

In addition to the above notice of condemnation, you are further advised that all trash, debris and high weeds must be removed from the property within ten (10) days from the date of this notice. Please refer to the "City of Abilene Weed Control Requirements" enclosed with this letter.



cc: file

Roy Lottman  
% James Miller



**NOTICE OF HEARING BEFORE THE BOARD OF  
BUILDING STANDARDS FOR THE CITY OF ABILENE**

September 12, 2016

Certified Mail No.  
8699 1247

Roy Lemmons  
% James Miller  
1534 Pecan St  
Abilene, TX 79602-4921

Case Number  
16-014

Re: Lot: 7  
Block: 208  
Addition: I John Tuohy  
Located at: 1550 Pecan St

Dear Property Owner:

According to the real property records of Taylor County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

According to Section 8-558 of the City of Abilene Municipal Code, the City of Abilene has adopted the process regarding notices to certain property owners as stated in Texas Local Government Code Section 54.005, and as amended.

Please contact me as soon as possible before the meeting where this case will be heard if:

1. You are not the owner of this property; or
2. You know someone else owns or has a partial interest in this property; or
3. You know that the owner(s) of the property is attempting to sell the property.

On July 12, 2016, the City of Abilene determined the property listed above to be substandard and condemned. On July 12, 2016, a certified letter was sent to the above address providing notice of each violation and required action to remedy such violations. A copy of said letter is included as an attachment to this letter. To date, the property has remained in violation of the City of Abilene Code of Ordinances, Minimum Standards for Buildings and Structures division.

This letter is notice pursuant to Section 8-562 of the Municipal Code of the City of Abilene that the Board of Building Standards will meet and hear this case on October 5, 2016, at 8:15AM in the EOC room, Suite B09 in the basement of City Hall, located at 555 Walnut, Abilene, Texas.

At the hearing you should be prepared to present the following information:

1. Specific time frame in calendar days needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

If you are unable to attend the meeting, the above information must be submitted in writing to the office the Community Enhancement Division of Planning and Development Services two (2) weeks prior to the hearing. The enclosed form may be submitted for this purpose.

If the Board of Building Standards assesses civil penalties, those civil penalties constitute personal liability of the property owner and a lien against the property. If the Board of Building Standards orders demolition and the owner fails to demolish, the City may do so and bill the owner.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

If you have any questions, please contact the Community Enhancement Division of the Planning and Development Services Department at 555 Walnut, Abilene, Texas, (325) 676-6241. Persons with disabilities who would like special assistance or need special accommodations to participate in this meeting should contact David Sartor at (325) 676-6272 at least 48 hours in advance of this meeting.

Very truly yours,

Michael Moffitt  
Code Enforcement  
(325) 676-6277

Enclosures

cc: file





UNITED STATES MAIL



CITY OF ABILENE  
P.O. Box 60  
Abilene, TX 79604-0060



7015 0640 0003 6699 0675



U.S. POSTAGE® PERMIT NO. 65  
Abilene, TX 79601  
\$006.67<sup>5</sup>  
02 11  
6001398328 AUG 16 2016

MM 16-014

Ray Lemmons  
% James Miller  
1534 Peters St  
Abilene, TX 79602-4921

75003336560

NO PAY RETURN REQUESTED

NIXIE 750 9E 1 770R/23/15

RETURN TO SENDER  
UNABLE TO FORWARD

EC: 79604006060 2386-03216-16-42  
79604006060



U.S. POSTAGE® PERMIT NO. 65  
Abilene, TX 79601  
\$000.67<sup>5</sup>  
02 11  
0001398328 AUG 16 2016



CITY OF ABILENE  
P.O. Box 60  
Abilene, TX 79604-0060

MM 16-014



CONTACT CITY OF ABILENE 325-676-6241  
(IT IS A VIOLATION OF THE LAW FOR ANYONE TO REMOVE OR DESTROY THIS NOTICE.)

—NOTICE—  
PUBLIC HEARING  
CONCERNING CONDEMNATION  
OF THIS PROPERTY  
AT CITY HALL ON  
OCTOBER 5, 2016 AT 8:15 A.M.  
All interested parties are urged to attend.  
676-6277

Owner Rights and Responsibilities

At the hearing you should be prepared to present the following information:

1. Specific time frame needed to complete repairs.
2. Specific scope of repair work to be completed.
3. Cost estimates for work to be done by licensed, bonded contractors such as electrical, plumbing or heating and air-conditioning contractors.

You have a right to hire an attorney to represent you at the hearing, the right to inspect the file on the property at the office of Planning and Development Services prior to the hearing, and the right to request the presence of city staff for the purpose of questioning at the hearing.

Abilene - Sep 12, 2016, 4:04 PM





# FRONT/EAST SIDE





# NORTH SIDE



# REAR/WEST SIDE





# SOUTH SIDE







Abilene - Aug 23, 2016, 9:56 AM



Abilene - Aug







Abilene - Aug 23, 2016, 9:57 AM



Abilene - Aug 23, 2016, 9:57 AM







Abilene - Aug 23, 2016, 9:57 AM



Abilene - Aug 23, 2016, 9:58 AM



# Staff Recommendations:

## Findings:

**The property is a hazard to the public health safety and welfare and is therefore a public nuisance.**

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

Inadequate Sanitation, Sec 1, (d, e, f)

Structural Hazards, Sec 2, (g)

Nuisance (Chapter 19-15, d)

Hazardous Electrical Wiring, Sec 4

Hazardous Plumbing, Sec 5

Faulty Weather Protection, Sec 7, (b, c, d)

Faulty Materials of Construction, Sec 9, (a)

## Order:

**The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.**





**END OF  
1550 PECAN ST.  
PRESENTATION**





**Board of Building Standards  
Agenda Memo**

**Board of Building Standards Meeting Date: 10/5/2016**

**TO: Board of Building Standards**

**FROM: Dana L. Schoening, Director of Planning and Development Services**

**SUBJECT: Discussion: Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade."**

---

**GENERAL INFORMATION**

Staff had been requested to draft an ordinance amendment to Section 8-151 "Demolition Permit Conditions" to allow slabs on grade to remain with approval of the building official, pursuant to a demolition permit. Existing ordinance 8-151 requires all floor slabs, foundations, footings, sidewalks, fences and posts to be removed in a demolition. The existing ordinance provides for the property owner(s) to request to the Board of Building Standards (BOBS) to allow for the slab to remain. The proposed ordinance removes the requirement for the removal of a slab on grade, but only upon request to and with the approval of the Building Official.

In addition, the current Chapter 8, Division 4 ordinance provisions do not provide a definition of slab. The proposed ordinance creates Section 8-152 : "Definitions" to provide for the definition of Slab on Grade to define what is meant by slab as referenced in Section 8-151.

**SPECIAL CONSIDERATIONS**

**FUNDING/FISCAL IMPACT**

**STAFF RECOMMENDATION**

Staff recommends holding the public hearing as posted and then sending this proposed Ordinance amendment to the Board of Building Standards for their comment and review.

**BOARD OR COMMISSION RECOMMENDATION**

No requirement for Board or Commission recommendation.

**ATTACHMENTS:**

Description	Type
□ Ordinance Amendment	Ordinance

- ▣ Clean Amendment
- ▣ PowerPoint

Ordinance  
Presentation



## **DIVISION 4. DEMOLITION OF BUILDINGS**

### **Sec. 8-151. Demolition permit conditions.**

When a permit is issued for the demolition of a house, building or other structure, the permit holder shall do all of the following:

- (a) Remove all floor slabs, foundations, footings, sidewalks, fences and posts, provided; any sidewalks, fences or posts where demolition is performed totally by the property owner any sidewalks and a floor slab that is flush with the ground and clear of debris, pipe risers, etc., may remain upon approval of the board of building standards; and any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon request of the property owner(s) to the Building Official and approval by the Building Official.
- (b) Clear and remove all loose tree limbs, appliances and all other personalty, trash, weeds, tall grass and other debris; and
- (c) Fill in all holes or depressions remaining at the building site and level the area so as to facilitate future mowing maintenance; and
- (d) Mow the grass.

(Code 1965, § 7-2)

### **Sec. 8-152. Definitions.**

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.

## **Exhibit “A”**

### **DIVISION 4. DEMOLITION OF BUILDINGS**

#### **Sec. 8-151. Demolition permit conditions.**

When a permit is issued for the demolition of a house, building or other structure, the permit holder shall do all of the following:

- (a) Remove all slabs, sidewalks, fences and posts, provided any sidewalks, fences or posts may remain upon approval of the board of building standards; and any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon request of the property owner(s) to the Building Official and approval by the Building Official.
- (b) Clear and remove all loose tree limbs, appliances and all other personal, trash, weeds, tall grass and other debris; and
- (c) Fill in all holes or depressions remaining at the building site and level the area so as to facilitate future mowing maintenance; and
- (d) Mow the grass.

#### **Sec. 8-152. Definitions.**

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.

# Ordinance Amendment 8-151 & 8-152

**Request:** Proposed Amendment to Code of Ordinances, Chapter 8, Division 4, Section 8-151 Demolition Permit Conditions, and adding Section 8-152 Definitions for "Slab on Grade"





# Ordinance Amendment 8-151 & 8-152

- Amendment Provisions:
  - Comparison of Existing to Proposed
    - Remove all floor slabs, foundations, footings, sidewalks, fences and posts, provided, any sidewalks, fences or posts where demolition is performed totally by the property owner any sidewalks and a floor slab that is flush with the ground and clear of debris, pipe risers, etc., may remain upon approval of the board of building standards.
    - Any slab(s) on grade that are free and clear of, without limitation, construction debris, vertical concrete, pipe risers and anchor bolts, may remain only upon request of the property owner(s) to the Building Official and approval by the Building Official.
    - Property owner(s) must request.



# Ordinance Amendment to 8-151 & 8-152

- **Definition:**

Slab on grade: A slab on grade is any slab that is poured onto earth materials that are in direct contact with the slab and which are used to support the slab. This process may be flat on the ground or foundation walls can be constructed to any engineered height and backfilled with sand to the bottom of the slab to be poured to support the slab.



# Ordinance Amendment 8-151 & 8-152

- Considerations:
  - Commercial and/or Residential Properties
    - Vacant
    - Underutilized
    - Poorly Maintained
  - Demolitions
    - Type of foundations supporting structures
      - Commercial – slab
      - Residential – primarily pier and beam





# Ordinance Amendment 8-151 & 8-152

- Number of commercial and residential demolitions since 01/01/2012
  - Commercial – 4 demolitions
    - 2 city forced contract
    - 2 owner contracted
  - Residential – 88 demolitions
    - 25 city forced contract
    - 63 owner contracted
- Infill development
  - Utilization of Vacant and Underutilized Properties
  - Incentives
  - Disincentives



# Ordinance Amendment 8-151 & 8-152

- Downtown Revitalization
  - Continuing Historic Preservation
  - Business Infusion
  - Mixed use development potential
- Continuing Nuisances

