

ORDINANCE NO. 691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS, FINDING THAT THE STRUCTURES ON OR ABOUT THE PROPERTY LOCATED AT 701 E. BRAZOS AVE., WEST COLUMBIA, TEXAS, 77486 (THE “PROPERTY”) TO BE SUBSTANDARD AND A PUBLIC NUISANCE; ORDERING THE OWNER OF THE PROPERTY TO ABATE THE SUBSTANDARD STRUCTURES AND PUBLIC NUISANCE ON THE PROPERTY; AUTHORIZING THE CITY OF WEST COLUMBIA, TEXAS TO DEMOLISH THE STRUCTURES ON THE PROPERTY IF THE OWNER OF THE PROPERTY FAILS TO ABATE THE SUBSTANDARD STRUCTURES AND PUBLIC NUISANCE ON THE PROPERTY; AUTHORIZING THE CITY OF WEST COLUMBIA, TEXAS TO ASSESS A LIEN AGAINST THE PROPERTY FOR THE COSTS OF THE DEMOLITION; AND, MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

WHEREAS, the Building Official of the City of West Columbia, Texas (the “City”) produced a report (the “Report”) providing that the buildings and structures on or about the property located at 701 E. Brazos Ave., West Columbia, Texas, 77486 (the “Property”), are substandard and a public nuisance, with the Report being attached to this Ordinance as “Exhibit A”; and

WHEREAS, the City provided written notice by certified mail to the owner of the Property (the “Owner”) that the Property was substandard and a public nuisance, and that a public hearing would be held on January 10, 2022 at 7:00PM CST at City Hall of the City of West Columbia (the “Public Hearing”); and

WHEREAS, in accordance with 2015 International Building Code and Chapter 4 of the Code of Ordinances of the City (the “Code”), the City Council of the City (the “Council”) conducted the Public Hearing so that the Owner or the Owner’s representatives may appear and show cause as to: 1) why such buildings or structures should not be declared to be substandard; and, 2) why the Owner should not be ordered to repair, vacate, or demolish the buildings or structures on the Property; and

WHEREAS, the Council finds that all proper notices of the Public Hearing were sent consistent with the Code to the persons asserting or likely to have an ownership in the Property; and

WHEREAS, based upon the evidence presented, the Council finds that the Property and the structures on the Property are substandard; and

WHEREAS, the Council finds that the conditions of the structures on the Property constitute a nuisance and are a hazard to the health, safety, and welfare of the citizens of the City and are likely to endanger persons and property; and

WHEREAS, the Council finds that the Property is in violation of the Code; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA,
TEXAS:**

SECTION 1. THAT the above-referenced recitals are incorporated herein as if set forth in full for all purposes.

SECTION 2. THAT the Council hereby finds, permits, and orders that the Owner, including any lienholder or mortgagee of the Property, shall, by itself or through the action of an agent, satisfy the requirements listed in “Exhibit B” regarding the Property (the “Abatement Requirements”). The Abatement Requirements shall be fully satisfied by ninety (90) days from the effective date of this Ordinance.

SECTION 3. THAT if the Owner, including any lienholders or mortgagee of the Property, shall fail to satisfy the Abatement Requirements, then the City may demolish the structures on the Property, including cleaning and grading the Property, and place a lien on the Property for the expenses incurred by the City for such work in accordance with the Code and State law.

SECTION 4. THAT if the Owner violates the terms of this Ordinance, then the City may seek administrative penalties not to exceed one thousand dollars (\$1,000) per day.

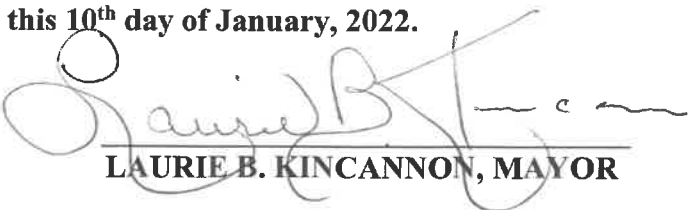
SECTION 5. THAT the City Secretary shall file a copy of this Ordinance with the City and shall publish the caption of this Ordinance in accordance with the City’s Charter.

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

SECTION 7. THAT all other ordinances, or parts inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 8. THAT this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 10th day of January, 2022.


LAURIE B. KINCANNON, MAYOR

ATTEST:


Kelli Kuban, City Secretary

EXHIBIT A

**BUILDING OFFICIAL'S REPORT OF THE PROPERTY LOCATED AT:
701 E. BRAZOS AVE., WEST COLUMBIA, TEXAS, 77486**



CITY OF WEST COLUMBIA, TEXAS

P.O. Box 487
512 E. Brazos Avenue
West Columbia TX 77486

Phone (979) 345-3123
Fax (979) 345-3178
www.westcolumbiatx.org

December 21, 2021

Mason Locke Weems VI
P O Box 368
West Columbia, Texas 77486-0368

Via Certified Mail, regular mail
and posting at the property listed
below

**YOUR PROPERTY HAS BEEN FOUND TO BE UNSAFE. FAILURE TO READ AND
COMPLY WITH THIS NOTICE HAS IMPORTANT LEGAL CONSEQUENCES**

**RE: Property 701 E. Brazos Ave., West Columbia, Texas (Brazoria County property
ID#237879)**

An inspection of the residential structure located at 701 E. Brazos Ave.(the "Property") conducted from public right-of-way on December 21, 2021, by the City of West Columbia (the "City") Building Inspector found that the Property is unsafe due to dilapidated conditions rendering it unfit for human occupancy and a hazard to the public health, safety, and welfare, as more particularly described by the list of Code violations attached to this letter. Pursuant to Sections 4-33 and 4-52 of the City Code of Ordinances and Chapters 54 and 214 of the Texas Local Government Code, you are ordered to perform the Required Actions.

Required Actions

- Submit a building permit application including scope of work and timeline for repair or demolition of the commercial structure on the Property; and
- Complete demolition or begin repair of the commercial structure on the Property.

Repair or demolition must be performed after application and receipt of a city building permit for such action. Failure to perform the Required Actions will result in further action by the City to abate the unsafe conditions of the Property, including but not limited to demolition of the structure by the City and a lien on the property for the costs of such demolition, and charges in municipal court.

Notice of Public Hearing

The City Council will hold a public hearing on **January 10, 2022 at 7:00 PM** at West Columbia City Hall, 512 E. Brazos Ave., West Columbia, Texas to determine whether the structure is unsafe and whether to order the structure vacated, secured, repaired, removed, or demolished by the owner. At the public hearing,

you will be required to submit proof of the scope of any work that may be required to comply with the City Code of Ordinances and the time it will take to reasonably perform the work. After the public hearing, the City may order you to take required actions regarding your property within 30 days from the date of the public hearing unless you appear at the hearing and provide evidence of the time required to complete the required actions and the City agrees that the work cannot reasonably be performed within the 30 days and orders a different deadline. If the city orders actions to be taken regarding your property, and you do not complete those actions prior to the deadline imposed at the public hearing, the City may take those actions instead. Any action taken by the City to repair or demolish the unsafe structure on the property pursuant to Councils order shall be charged against the property and shall be a lien upon such. property

Right to Appeal

You have the right to appeal any decision of the Building Inspector to the City Council of the City of West Columbia, Texas by filing a written application for appeal with the City Secretary. The application for appeal must be filed not later than the 20th day after the day you receive this notice. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not apply, or the requirements of the code are adequately satisfied by other means.

Property Ownership

According to the real property records of Brazoria 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 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the Property, even if you do not.

Please feel free to contact me to discuss this matter further.

Sincerely,



Michael Azbel

Building Inspector/ Code Enforcement
(979) 345-3123

CC: Debbie Sutherland, City Manager, via email: citymanager@westcolumbiatx.org
Katie Rutherford, City Attorney, via email: krutherford@olsonllp.com

EXHIBIT B

**CITY COUNCIL REQUIREMENTS FOR ABATEMENT OF SUBSTANDARD
STRUCTURES AND NUISANCES LOCATED AT:
701 E. BRAZOS AVE., WEST COLUMBIA, TEXAS, 77486**

Order: That the home and garage structures located on the property located at 701 E. Brazos Ave., West Columbia, Texas, 77486 be demolished by the property owner or the property owner's agent within 90 days of the effective date of this Ordinance, with such date being April 11, 2022, with such demolition being subject to the terms of this Ordinance and any applicable requirements of the City.

Furthermore, the property owner or property owner's agent must give monthly updates of the progress of the demolition at the regular City council meeting during the 90 day period of this order. The date of those meetings being Monday, February 14, 2022, at 7 pm.; Monday, March 7, 2022, at 7 pm.; and Monday, April 11, 2022, at 7 pm.

If the property owner does not demolish, or cause the demolition, of the house and garage, within the timeframe provided herein, then the City may enter the property, demolish the house and garage, and place a lien on the property for the costs of such demolition.