

**NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE REVIEW BOARD**

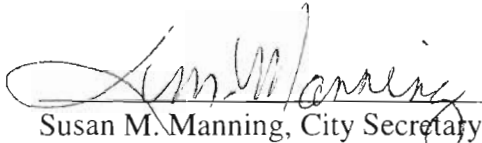
NOTICE IS HEREBY GIVEN THAT THE SUBSTANDARD STRUCTURE REVIEW BOARD MEMBERS OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A MEETING ON:

WEDNESDAY, OCTOBER 16, 2019

4:30 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

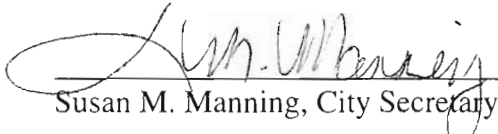
1. Call to order.
2. Pledge of Allegiance and Texas Pledge.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to the Substandard Structure Review Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future Substandard Structure Review Board meeting]*
4. Consideration and action to approve minutes of the October 2, 2019 meeting.
5. Consideration and action declaring a substandard structure(s) and regarding the repair or removal of the structure(s) located at 5705-A and 5705-B Gulf Boulevard, South Padre Island, Texas, 78597 [Replat of Lots 2-3-4, Block 189, Lot 3A and Lot 3B, Block 189, Fiesta Isles Subdivision (Plat C1-1352B)].
6. Adjourn.

DATED THIS THE 10TH DAY OF OCTOBER, 2019.


Susan M. Manning, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **OCTOBER 10, 2019** AT/OR BEFORE 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan M. Manning, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, DAVID TRAVIS; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-8103.

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD MEETING
AGENDA REQUEST FORM**

MEETING DATE: October 16, 2019

NAME & TITLE: Susan Manning, City Secretary

DEPARTMENT: City Manager's Office

ITEM

Discussion and action to approve minutes of October 2, 2019.

ITEM BACKGROUND

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

LEGAL REVIEW

Sent to Legal: YES: _____ NO: _____
Approved by Legal: YES: _____ NO: _____

RECOMMENDATIONS/COMMENTS

Approve minutes.

**MINUTES
CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE REVIEW BOARD**

WEDNESDAY, OCTOBER 2, 2019

I. CALL TO ORDER.

The Substandard Structure Review Board of the City of South Padre Island, Texas held a Meeting on Wednesday, October 2, 2019 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Board Member McNulty called the meeting to order at 5:00 p.m. A quorum was present: Board Members Patrick McNulty, Ken Medders, Jr., Kerry Schwartz, Joe Ricco and Eva-Jean Dalton. Absent was Board Member Alita Bagley.

City staff members present were City Manager Randy Smith, Public Works Director Alex Sanchez, Environmental Health Director Victor Baldovinos, CVB Director Ed Caum, Planning Director Aaron Hanley, Building Official David Travis, Public Information Officer Angelique Soto and City Secretary Susan Manning.

II. PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE.

Board Member McNulty led the Pledge of Allegiance and the Texas Pledge.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

None.

IV. PUBLIC HEARING AND ACTION REGARDING THE STATUS, REPAIR AND/OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 119 EAST KINGFISH STREET, SOUTH PADRE ISLAND, TEXAS, 78597 (SO. PADRE ISLAND – PADRE BEACH SECTION V, LOT 11, BLOCK 63).

a) PUBLIC HEARING

At 5:42 p.m., Board Member McNulty opened the Public Hearing.

Proponents: Guadalupe Maldonado Opponents: None

Board Member McNulty closed the Public Hearing at 5:45 p.m.

b) CONSIDERATION AND ACTION DECLARING A SUBSTANDARD STRUCTURE(S) AND REGARDING THE REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 119 EAST KINGFISH STREET, SOUTH PADRE ISLAND, TEXAS, 78597 (SO. PADRE ISLAND – PADRE BEACH SECTION V, LOT 11, BLOCK 63).

Board Member Schwartz made a motion, seconded by Board Member Dalton to continue this item on November 6, 2019 at 5:00 p.m.; owner is to provide an engineer's report and a signed agreement with a contractor. Motion passed unanimously.

V. PUBLIC HEARING AND ACTION REGARDING THE STATUS, REPAIR AND/OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 1601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 (LOT 1, BLOCK 7, REPLAT LOTS 1-6 & 32-34, BLOCK 7, 1.0330 ACRES).

a) PUBLIC HEARING

At 5:07 p.m., Board Member McNulty opened the Public Hearing.

Proponents: Roberto Ruiz, Troy Giles Opponents: None

Board Member McNulty closed the Public Hearing at 5:20 p.m.

b) CONSIDERATION AND ACTION DECLARING A SUBSTANDARD STRUCTURE(S) AND REGARDING THE REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 1601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 (LOT 1, BLOCK 7, REPLAT LOTS 1-6 & 32-34, BLOCK 7, 1.0330 ACRES).

Board Member Ricco made a motion to continue this item on November 6, 2019, owners are to deliver a structural report to verify that the owners are committed to the re-development of this project. Motion was seconded by Board Member Medders, which carried unanimously.

Note: Board Member McNulty announced that Item 6 and Item 7 would be considered together and asked Board Member Medders to take over the meeting. Board Member McNulty abstained from discussion and vote.

VI. PUBLIC HEARING AND ACTION REGARDING THE STATUS, REPAIR AND/OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705-A GULF BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 (REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3A, BLOCK 189, FIESTA ISLES SUBDIVISION [PLAT C1-1352B]).

a) PUBLIC HEARING

At 5:49 p.m., Board Member Medders opened the Public Hearing.

Proponents: Gayle Hood Opponents: None

Board Member Medders closed the Public Hearing at 5:52 p.m.

- b) **CONSIDERATION AND ACTION DECLARING A SUBSTANDARD STRUCTURE(S) AND REGARDING THE REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705-A GULF BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 [REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3A, BLOCK 189, FIESTA ISLES SUBDIVISION (PLAT C1-1352B)].**

Board Member Ricco made a motion to continue these items on October 16, 2019, giving the owners two weeks to respond. If no response by that time frame, to begin fining owners \$250 per day starting on October 17, 2019. Motion was seconded by Board Member Schwartz, which passed on a 4 to 0 vote with Board Member McNulty abstaining from the vote.

VII. PUBLIC HEARING AND ACTION REGARDING THE STATUS, REPAIR AND/OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705-B GULF BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 (REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3B, BLOCK 189, FIESTA ISLES SUBDIVISION (PLAT C1-1352B)).

a) PUBLIC HEARING

Same as Item VI (Item 6 and Item 7 were taken together)

- b) **CONSIDERATION AND ACTION DECLARING A SUBSTANDARD STRUCTURE(S) AND REGARDING THE REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705-B GULF BOULEVARD, SOUTH PADRE ISLAND, TEXAS, 78597 [REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3A, BLOCK 189, FIESTA ISLES SUBDIVISION (PLAT C1-1352B)].**

Same as Item VI (Item 6 and Item 7 were taken together)

VIII. ADJOURN.

There being no further business, Board Member McNulty adjourned the meeting at 5:56 p.m.

Susan M. Manning, City Secretary

APPROVED

Patrick McNulty, Board Member

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD MEETING
AGENDA REQUEST FORM**

MEETING DATE: October 16, 2019

NAME & TITLE: David Travis, Building Official, and Aaron Hanley, Planning Director

DEPARTMENT: Building Inspections Division, Planning Department

ITEM

Consideration and action declaring a substandard structure(s) and regarding the repair or removal of the structure(s) located at 5705-A and 5705-B Gulf Boulevard, South Padre Island, Texas, 78597 [Replat of Lots 2-3-4, Block 189, Lot 3A and Lot 3B, Block 189, Fiesta Isles Subdivision (Plat C1-1352B)].

ITEM BACKGROUND

Chronology of Events

The final plat of the property was filed on or about July 17, 1995. The plat reflects uses of a townhouse on Lot 3A and Lot 3B, Block 189, Fiesta Isles Subdivision (the "Property"). The City's Zoning Map indicates that the property is zoned District B-2.

On or about February 10, 2014, the City of South Padre Island Building Inspections Division issued a Building Permit to Sara Investments for the construction of a single family townhouse on the Property. The last inspection of the structure during construction was on October 9, 2014.

On or about August 24, 2017, the City of South Padre Island Building Inspections Division issued a Demolition Permit to E. B. Merit Construction for the removal of the wood, floor deck and concrete slab, and the treatment of the existing nail plates within the structure on the Property.

On or about December 12, 2017, the City of South Padre Island Building Inspections Division issued a Building Permit to E. B. Merit Construction for the construction of a single family townhouse on the Property.

On or about December 19, 2017, the City of South Padre Island Building Inspections Division issued an Electrical Permit to Matt's Electric for the electrical improvements to the existing structure on the Property.

On or about January 3, 2018, a request for the refund of the Building Permit fee in the amount of \$2,100.00 was submitted to the Building Inspections Division.

On or about January 9, 2018, the request for the refund was processed after it was confirmed by the Building Official that no improvements were made to the structure on the Property.

On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The structure does not have a roof, and the window and door openings on the first floor are boarded with oriented strand board (OSB).

On or about August 22, 2019, a Notice of Hearing Letter was mailed to the property owner.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

- Chapter I Land Use, GOAL 2: The City should continue to monitor, protect, and evaluate development and resource conservation.
 - Objective 2.1: City ordinances should be consistent with the Comprehensive Plan.
 - Policy 2.1.1: The City should continue to enforce ordinances and regulations consistently and equally. Strategy 2.1.1.1: Regulations and development standards should be user-friendly and serve to streamline the permitting process while “raising the bar” of standards of development quality.
- Chapter IV Economic Development, GOAL 3: The City shall support an environment that is friendly to residents, tourists, and businesses.
 - Objective 3.1: The City should support ordinances, events, and policies that enhance the Island’s economic development potential.

LEGAL REVIEW

Sent to Legal:	YES: _____	NO: _____
Approved by Legal:	YES: _____	NO: _____

Comments:

RECOMMENDATIONS/COMMENTS

Per City of South Padre Island Code of Ordinance Section 4-18, Substandard Structures Review Board, Subsections A through G:

(A) In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the Substandard Structures Review Board to pass upon matters pertaining to building standards. The Substandard Structures Review Board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

(B) Duties of the Substandard Structures Review Board.

(1) The Substandard Structures Review Board shall:

(a) Schedule and hold a public hearing and hear testimony from the code official, and the owner, mortgagee, or lienholder of the substandard structure. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Substandard Structure and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner, mortgagee, and/or lienholder shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(b) Upon conclusion of the hearing, the Substandard Structures Review Board shall determine by majority vote of its Board membership whether the building or structure in question is a substandard structure. Upon a determination that the building or structure in question constitutes substandard and out of conformance with the requirements of this Chapter, the Substandard Structures Review Board shall issue an order:

1. Containing an identification of the building and the property on which it is located;
2. Making written findings of the violations of the minimum standards that are present at the building;
3. Requiring the owner, mortgagee, or lienholder to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Substandard Structures Review Board shall specify a reasonable time for the completion of the work; and
4. Containing a statement that the city will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Board.

(C) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality

will vacate, secure, remove, repair, or demolish the building and relocate the occupants of the building if the ordered action is not taken within the agreed-upon reasonable time.

(D) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 30 days to repair, remove, or demolish the building, the Board in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Code official.

(E) The Substandard Structures Review Board shall not allow the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(F) If the value of a property subject to a Substandard Structures Review Board order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Board issues its order.

(G) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board shall require them to regularly submit progress reports to the Board to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that they appear before the code official to demonstrate compliance with the time schedules.





SUBSTANDARD STRUCTURES REVIEW BOARD
SUBSTANDARD STRUCTURE NOTICE LETTER
NOTICE OF HEARING

August 22, 2019

Mr. Enrique Garza
BES Merit Properties, LLC
307 E. University Dr.
Edinburg, Texas 78539-3549

CMRRR: 70181130000216840532

Subject: NOTICE OF VIOLATION; NOTICE TO ABATE/REPAIR

Repair of Structure(s) located at:
5705 A Gulf Boulevard, South Padre Island, Texas, 78597
Legal Description: Replat of Lots 2-3-4, Block 189, Lot 3A, Block 189, Fiesta Isles
Subdivision (Plat C1-1352 B)
Single Family Residential Structure

HEARING DATE: October 2, 2019, at 5:30 p.m.
4601 Padre Blvd., South Padre Island, Texas 78597

Dear Mr. Enrique Garza:

According to the real property records of Cameron County, and appropriate records of the Secretary of State, Central Appraisal District, tax rolls, among others, BES Merit Properties, LLC is the owner, or a lienholder or mortgagee of the real property described in this notice. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no



longer own or have an interest in 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 or have an interest in the property described in this notice, even if you do not.

Chronology of Events

The final plat of the property was filed on or about July 17, 1995. The plat reflects uses of a townhouse on Lot 3A, Block 189, Fiesta Isles Subdivision (the "Property"). The City's Zoning Map indicates that the property is zoned District B-2.

On or about February 10, 2014, the City of South Padre Island Building Inspections Division issued a Building Permit to Sara Investments for the construction of a single family townhouse on the Property. The last inspection of the structure during construction was on October 9, 2014.

On or about August 24, 2017, the City of South Padre Island Building Inspections Division issued a Demolition Permit to E. B. Merit Construction for the removal of the wood, floor deck and concrete slab, and the treatment of the existing nail plates within the structure on the Property.

On or about December 12, 2017, the City of South Padre Island Building Inspections Division issued a Building Permit to E. B. Merit Construction for the construction of a single family townhouse on the Property.

On or about December 19, 2017, the City of South Padre Island Building Inspections Division issued an Electrical Permit to Matt's Electric for the electrical improvements to the existing structure on the Property.

On or about January 3, 2018, a request for the refund of the Building Permit fee in the amount of \$2,100.00 was submitted to the Building Inspections Division.

On or about January 9, 2018, the request for the refund was processed after it was confirmed by the Building Official that no improvements were made to the structure on the Property.

On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The

Building Department • 4601 Padre Boulevard • South Padre Island, Texas 78597

Office • 956.761.8104 • Fax 956.761.3898



structure does not have a roof, and the window and door openings on the first floor are boarded with oriented strand board (OSB).

Chapter 214 Notice of Violation and Notice to Abate

This letter is your official notice of violation and order to abate the violations located at 5705 A Gulf Blvd., South Padre Island, Texas 78597 (the Property).

The City's Building Official has found the structure to be substandard based upon violations of the minimum standards adopted under the City of South Padre Island Code of Ordinance as follows:

(1) Section 4-17(B) Substandard Structures

1. The requirements established by the most recent edition of the International Property Maintenance Code, the 2015 International Building Code, the 2015 International Residential Code without Section R313 (deleted), the 2015 International Fire Code without Appendices L and M (deleted), the 2015 International Mechanical Code, the 2015 International Plumbing Code, the 2015 International Fuel Gas Code, the 2014 National Electrical Code, the 2015 International Energy Conservation Code, the 1997 Standard Housing Code, and the 1985 Unsafe Building Abatement Code and all other amendments thereto except as modified by the Code of Ordinances, currently adopted and locally amended by the city are hereby declared to the minimum standards for the continued use and occupancy of all buildings located within the corporate limits of the city regardless of the date of their construction.
2. A building or structure shall be deemed a Substandard Structure if:
 - a. Said building or structure fails to comply with any one or more of the requirements established by the International Codes or other Codes cited above by Section 4-17(B)(1) and any local amendments made thereto;
 - b. Said building or structure, regardless of its structural condition, is either unoccupied by its owners, lessees, or other invitees, or fails to meet the requirements for and does not currently hold a certificate of occupancy, and is:



- i. Unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- ii. Boarded up; fenced, or otherwise secured in any manner if the building or structure constitutes a danger to the public even though secured from entry; or the means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building; or
- iii. Remains a new but incomplete or unfinished construction for a period of time which is unreasonable under the circumstances.

(2) Section 4-17 (C) Public nuisance declared

1. A building or structure deemed to be a Substandard Structure under the terms of this chapter is hereby declared to be a public nuisance and is unlawful.
2. It shall be the responsibility of the owner(s) or occupants of Substandard Structure to abate public nuisances associated with said building by means of repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this chapter.

A hearing has been set for October 2, 2019, at 5:30 p.m., at 4601 Padre Blvd., South Padre Island, Texas 78597, wherein you as the owner, lien holder, or mortgagee will be required to submit proof of the scope of any work that may be required to comply with the City's Ordinances and the time it will take to reasonably perform the work.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.



We appreciate your continued cooperation and prompt attention to remedying the nuisances on the property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to the above.

Sincerely,

David Travis

Building Official

City of South Padre Island, Texas

Cc:

Randy Smith

City Manager

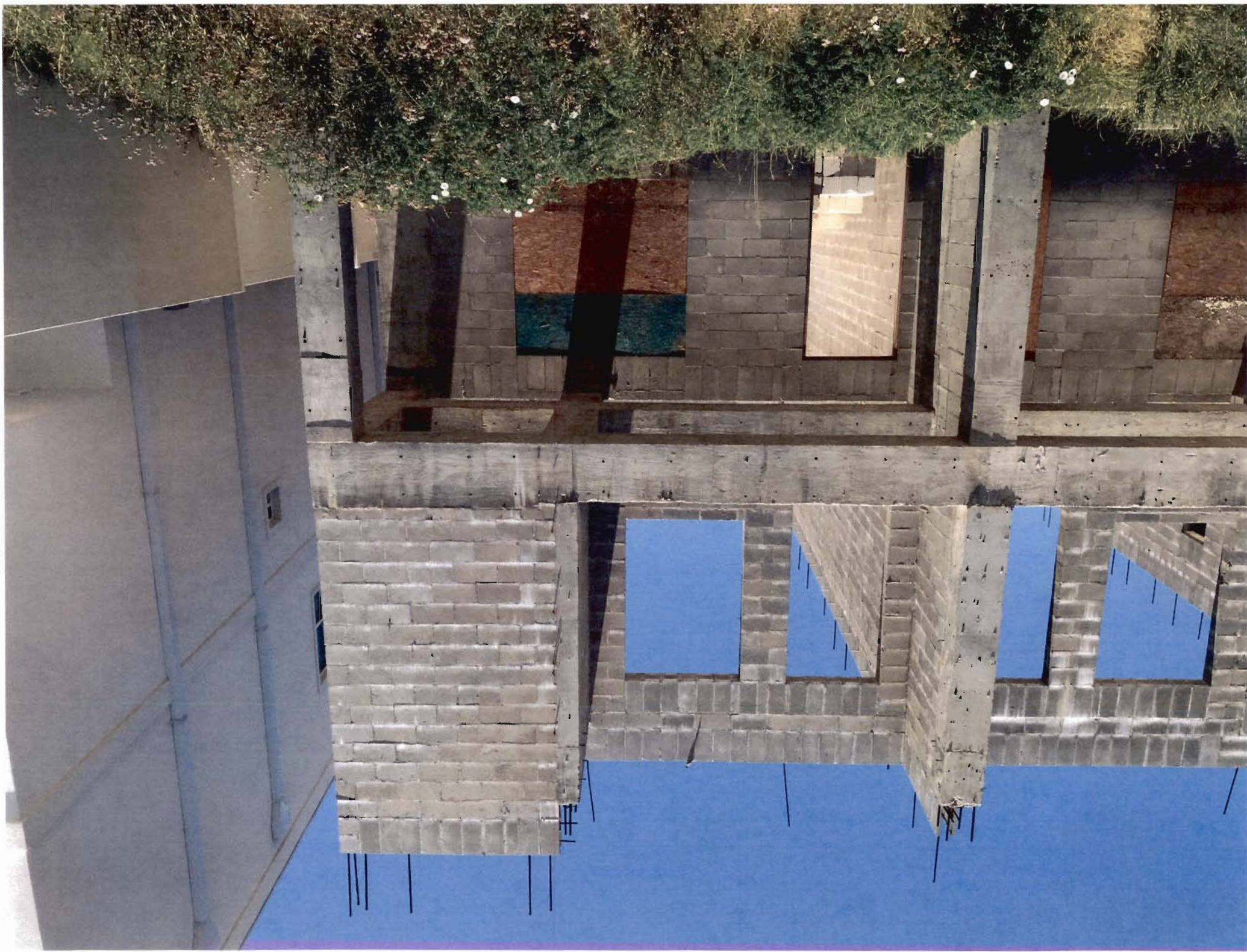
Ricardo J. Navarro

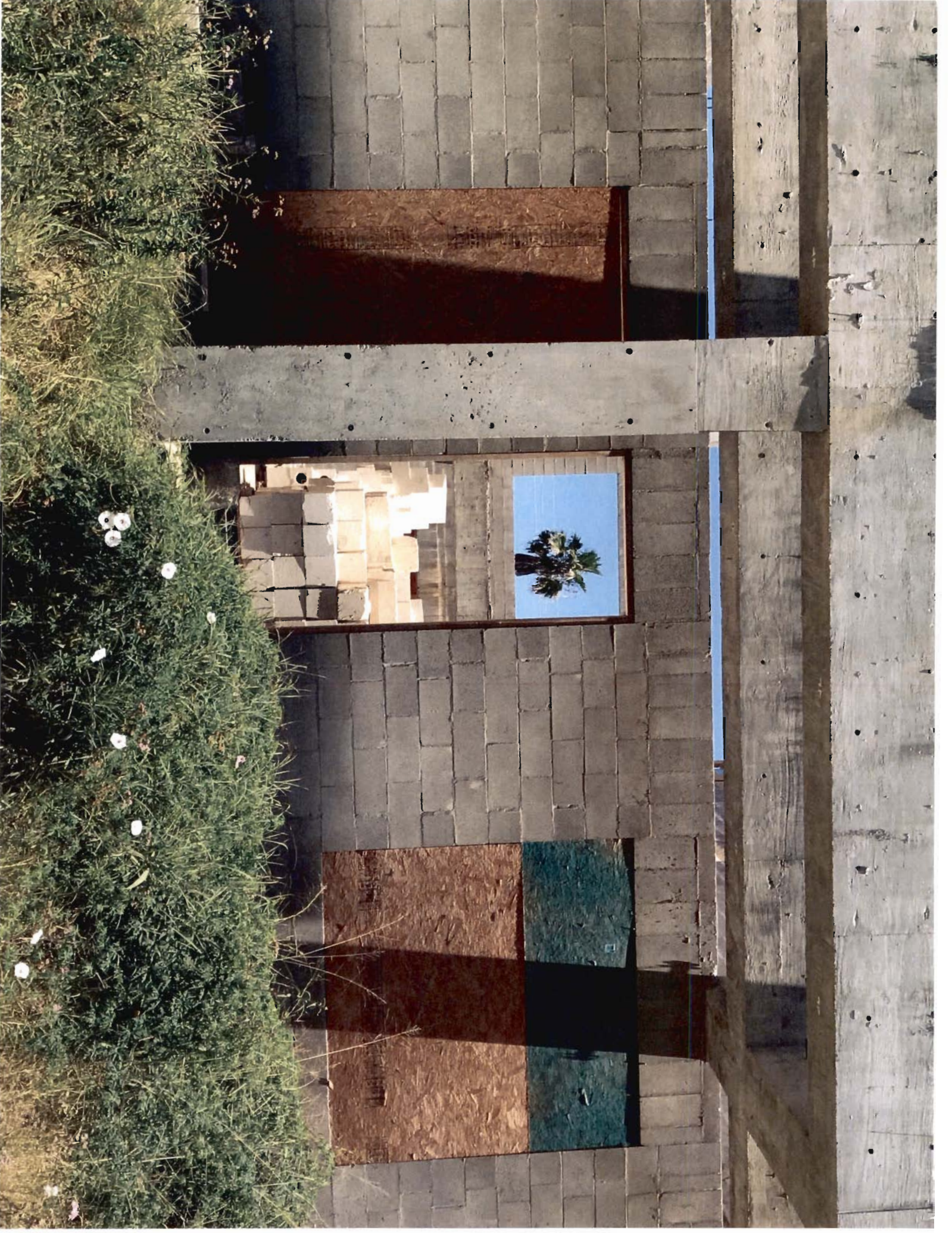
Denton, Navarro, Rocha, Bernal, & Zech, P.C.

City Attorney











SUBSTANDARD STRUCTURES REVIEW BOARD

SUBSTANDARD STRUCTURE NOTICE LETTER

NOTICE OF HEARING

August 22, 2019

Mr. Brandon Fairlie
BES Merit Properties, LLC
307 E. University Dr.
Edinburg, Texas 78539-3549

CMRRR: 70181130000216840549

Subject: NOTICE OF VIOLATION; NOTICE TO ABATE/REPAIR

Repair of Structure(s) located at:
5705 B Gulf Boulevard, South Padre Island, Texas, 78597
Legal Description: Replat of Lots 2-3-4, Block 189, Lot 3B, Block 189, Fiesta Isles
Subdivision (Plat C1-1352 B)
Single Family Residential Structure

HEARING DATE: October 2, 2019, at 5:30 p.m.

4601 Padre Blvd., South Padre Island, Texas 78597

Dear Mr. Brandon Fairlie:

According to the real property records of Cameron County, and appropriate records of the Secretary of State, Central Appraisal District, tax rolls, among others, BES Merit Properties, LLC is the owner, or a lienholder or mortgagee of the real property described in this notice. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in 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 or have an interest in the property described in this notice, even if you do not.

Chronology of Events

The final plat of the property was filed on or about July 17, 1995. The plat reflects uses of a townhouse on Lot 3B, Block 189, Fiesta Isles Subdivision (the "Property"). The City's Zoning Map indicates that the property is zoned District B-2.

On or about February 10, 2014, the City of South Padre Island Building Inspections Division issued a Building Permit to Sara Investments for the construction of a single family townhouse on the Property. The last inspection of the structure during construction was on October 9, 2014.

On or about August 24, 2017, the City of South Padre Island Building Inspections Division issued a Demolition Permit to E. B. Merit Construction for the removal of the wood, floor deck and concrete slab, and the treatment of the existing nail plates within the structure on the Property.

On or about December 12, 2017, the City of South Padre Island Building Inspections Division issued a Building Permit to E. B. Merit Construction for the construction of a single family townhouse on the Property.

On or about December 19, 2017, the City of South Padre Island Building Inspections Division issued an Electrical Permit to Matt's Electric for the electrical improvements to the existing structure on the Property.

On or about January 3, 2018, a request for the refund of the Building Permit fee in the amount of \$2,100.00 was submitted to the Building Inspections Division.

On or about January 9, 2018, the request for the refund was processed after it was confirmed by the Building Official that no improvements were made to the structure on the Property.

On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The



structure does not have a roof, and the window and door openings on the first floor are boarded with oriented strand board (OSB).

Chapter 214 Notice of Violation and Notice to Abate

This letter is your official notice of violation and order to abate the violations located at 5705 B Gulf Blvd., South Padre Island, Texas 78597 (the Property).

The City's Building Official has found the structure to be substandard based upon violations of the minimum standards adopted under the City of South Padre Island Code of Ordinance as follows:

(1) Section 4-17(B) Substandard Structures

1. The requirements established by the most recent edition of the **International Property Maintenance Code**, the **2015 International Building Code**, the **2015 International Residential Code** without Section R313 (deleted), the **2015 International Fire Code** without Appendices L and M (deleted), the **2015 International Mechanical Code**, the **2015 International Plumbing Code**, the **2015 International Fuel Gas Code**, the **2014 National Electrical Code**, the **2015 International Energy Conservation Code**, the **1997 Standard Housing Code**, and the **1985 Unsafe Building Abatement Code** and all other amendments thereto except as modified by the Code of Ordinances, currently adopted and locally amended by the city are hereby declared to the minimum standards for the continued use and occupancy of all buildings located within the corporate limits of the city regardless of the date of their construction.
2. A building or structure shall be deemed a Substandard Structure if:
 - a. Said building or structure fails to comply with any one or more of the requirements established by the International Codes or other Codes cited above by Section 4-17(B)(1) and any local amendments made thereto;
 - b. Said building or structure, regardless of its structural condition, is either unoccupied by its owners, lessees, or other invitees, or fails to meet the requirements for and does not currently hold a certificate of occupancy, and is:



- i. Unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- ii. Boarded up; fenced, or otherwise secured in any manner if the building or structure constitutes a danger to the public even though secured from entry; or the means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building; or
- iii. Remains a new but incomplete or unfinished construction for a period of time which is unreasonable under the circumstances.

(2) Section 4-17 (C) Public nuisance declared

1. A building or structure deemed to be a Substandard Structure under the terms of this chapter is hereby declared to be a public nuisance and is unlawful.
2. It shall be the responsibility of the owner(s) or occupants of Substandard Structure to abate public nuisances associated with said building by means of repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this chapter.

A hearing has been set for October 2, 2019, at 5:30 p.m., at 4601 Padre Blvd., South Padre Island, Texas 78597, wherein you as the owner, lien holder, or mortgagee will be required to submit proof of the scope of any work that may be required to comply with the City's Ordinances and the time it will take to reasonably perform the work.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.



We appreciate your continued cooperation and prompt attention to remedying the nuisances on the property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to the above.

Sincerely,

David Travis
Building Official
City of South Padre Island, Texas

Cc:

Randy Smith
City Manager

Ricardo J. Navarro
Denton, Navarro, Rocha, Bernal, & Zech, P.C.
City Attorney





