

ORDER NO. 2022-0926-001

AN ORDER OF THE BUILDING STANDARDS COMMISSION OF THE CITY OF DICKINSON, TEXAS, FINDING THAT THE STRUCTURES ON OR ABOUT THE PROPERTY GENERALLY LOCATED AT 406 DEATS ROAD, DICKINSON, TEXAS, 77539 (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 DICKINSON, TEXAS TO ABATE THE SUBSTANDARD STRUCTURES AND PUBLIC NUISANCES ON THE PROPERTY IF THE OWNER OF THE PROPERTY FAILS TO ABATE THE SAME ACCORDING TO THIS ORDER; AUTHORIZING A LIEN TO BE ASSESSED AGAINST THE PROPERTY FOR THE COSTS INCURRED BY THE CITY OF DICKINSON IN ENFORCING THIS ORDER; AND, MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

WHEREAS, in accordance with Chapter 5 “Buildings”, Article I “Building Standards Commission; Substandard Buildings” of the Code of Ordinances (the “Code”) of the City of Dickinson, Texas (the “City”), the City conducted a title examination of the property generally located at 406 Deats Road, Dickinson, Texas 77539 (the “Property”) in order to identify the property owners and all occupants and lienholders of the Property (collectively, the “Parties”); and

WHEREAS, notice was provided to the Parties in accordance with the Code with such notice providing that a public hearing would be held by the City’s Building Standards Commission (the “Commission”) on September 26, 2022 at 6:00PM CST in the City Council Chambers of the City of Dickinson City Hall located at 4403 Highway 3 in the City (the “Public Hearing”); and

WHEREAS, at the Public Hearing, the Parties were given the opportunity to appear and show cause why the Commission should not declare that a building, structure, or improvement on the Property is substandard, and why the Commission should not enter appropriate orders for the demolition, partial demolition, repair, renovation or remodeling of the substandard conditions determined to exist on the Property; and

WHEREAS, the Commission conducted the Public Hearing and allowed the Parties to appear and show cause as to: 1) why the buildings, structures, or improvements on the Property should not be declared to be substandard; and, 2) why the buildings, structures, or improvements on the Property should not be ordered for demolition, partial demolition, repair, renovation, or remodeling; and

WHEREAS, at the Public Hearing, the Commission received a presentation from the City’s Building Official and other designated individuals appointed by the City Manager, with such presentation bringing evidence before the Commission of the status of the buildings, structures, or improvements on the Property, and the recommendation that the Commission order the demolition, partial demolition, repair, renovation, or remodeling of the buildings, structures, or improvements on the Property; and

WHEREAS, at the Public Hearing, the Commission heard additional evidence and rebuttal from the Parties regarding the buildings, structures, or improvements on the Property; and

WHEREAS, based upon the evidence provided at the Public Hearing, and solely under the criteria set out in the Code, at the conclusion of the Public Hearing, the Commission found: that all proper notices of the Public Hearing were sent consistent with the Code to the Parties; that the Property and the structures on the Property are substandard; that the conditions of the structures on the Property constituted a nuisance and were a hazard to the health, safety, and welfare of the citizens of the City and are likely to endanger persons and property; and, that the Property was in violation of the Code; and

WHEREAS, at the conclusion of the Public Hearing, the Commission unanimously approved this Order (the “Order”) which provided certain findings about the Property and set abatement requirements for the owner of the Property (the “Owner”); and **NOW THEREFORE**,

IT IS HEREBY ORDERED BY THE BUILDING STANDARDS COMMISSION OF THE CITY OF DICKINSON, TEXAS:

SECTION 1. THAT the recitals of this Order are incorporated herein for all intents and purposes, including all findings of the Commission contained therein.

SECTION 2. THAT the Commission hereby finds that the structures located on the Property are substandard, and so 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 C” regarding the Property (the “Abatement Requirements”). The Abatement Requirements shall be fully satisfied within the timeframe provided in “Exhibit C”.

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 order the demolition, partial demolition, repair, renovation, or remodeling of any of the buildings, structures, or improvements 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 Order, then the City may seek administrative penalties not to exceed one thousand dollars (\$1,000) per day for each and every violation provided herein.

SECTION 5. THAT the City Secretary shall file, or cause to be filed, a copy of this Order in the Real Property Records of Galveston County, Texas.

SECTION 6. THAT in the event any clause phrase, provision, sentence, or part of this Order, 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 Order as a whole, or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and, the Commission 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 orders or ordinances, or parts of such orders or ordinances, inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

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

SECTION 9. A copy of this Order shall be served upon the Owner and the Parties in the same manner as provided for the service of the notice herein required.

PASSED AND APPROVED THIS 26th DAY OF SEPTEMBER, 2022.

SIGNATURES

FOR THE COMMISSION:



MATT MAGGIOLINO, ACTING CHAIRMAN

ATTEST:



Ann Williams, Deputy City Secretary



EXHIBIT A

**DESCRIPTION OF THE PROPERTY LOCATED AT:
406 DEATS ROAD, DICKINSON, TEXAS, 77539**

OWNER

CREEKSIDE 2019, LLC

OWNER ADDRESS

**143 MANOR LAKE ESTATES DRIVE
SPRING, TEXAS 77379-3722**

PROPERTY ADDRESS

406 DEATS ROAD, DICKINSON, TEXAS, 77539

LEGAL DESCRIPTION

**ABST 19 PERRY & AUSTIN SUR PT OF LOT 103 (0-2) DICKINSON
ADDN D & LOTS 1 THRU 15,20,21 & PT OF LOTS 16,17 & 18 TALL
TIMBERS SUB**

GALVESTON CENTRAL APPRAISAL DISTRICT ACCOUNT NUMBER

163218

EXHIBIT B

**BUILDING OFFICIAL'S REPORT OF THE PROPERTY LOCATED AT:
406 DEATS ROAD, DICKINSON, TEXAS, 77539**

EXHIBIT C

BUILDING STANDARDS COMMISSION ABATEMENT REQUIREMENTS FOR THE PROPERTY LOCATED AT: 406 DEATS ROAD, DICKINSON, TEXAS, 77539

ORDER

SECTION 1. THAT, within sixty (60) days of the date of this Order, the Owner shall complete, or cause to be completed a detailed abatement plan for all occupied and related structures on the portion of the Property that is generally located northwest of the tributary that splits the Property. The detailed abatement plan shall be performed by a licensed design professional and shall list every violation of any applicable building, fire safety, and other applicable structural code for each structure on the portion of the Property northwest of the tributary that splits the Property. The report contemplated in this Section shall include and satisfy the following:

PRELIMINARY REQUIREMENTS FOR SITE AND STRUCTURES LOCATED WEST OF THE TRIBUTARY ADJACENT DEATS ROAD-STRUCTURES NUMBERED 1 – 21

- 1) Detailed site plan indicating structures and site areas requesting permit.
- 2) Floodplain compliance per Chapter 14 Article V of the City of Dickinson's Code of Ordinances
- 3) Full repair cost estimations shall be submitted on each structure and complex grounds.
- 4) Evaluation of site and all individual structures located west of the tributary

The buildings and site shall be evaluated by a registered design professional who is agreed upon by the City and the Property Owner and the findings shall be submitted to the code official. The evaluation shall include but not be limited to the following reports:

- Roof coverings
- Foundation concerns of structural settlement.
- Exterior wall covering
- (Windows) Glazing conditions and egress window compliance.
- All paths of egress including deck paths, stair stringers, treads, landings, fall protection, handrails, and structural supporting members.
- Windstorm concerns of loose building components, including but not limited to wall covering, trash receptacles endorsements, rain gutters, abandoned roof top mechanical equipment, broken loose window glass, unsecure fencing etc.
- Parking, driving, and walking surfaces shall be evaluated for deficiencies and drainage compliance.
- Asbestos survey shall be required where required
- Wpi8 windstorm certificate required where required.
- (INTERIOR AND EXTERIOR REQUIRED) Mechanical, electrical, and plumbing systems shall be evaluated on each structure and the entire complex site.
- Plumbing ground systems evaluation shall be evaluated by means of camera or equivalent given the long-standing extent of building sewer issues.

These preliminary requirements shall be subject to change upon the code official obtaining further evidence and or reports of the subject property. Construction documents shall be stamped by the registered design professional where required.

SECTION 2. THAT, within ninety (90) days of the date of this Order, the Owner shall complete, or cause to be completed, the demolition of the structures located on the portion of the Property that is generally southeast of the tributary that splits the Property, including all appropriate asbestos and drainage studies, with such information shall be attached to this Order as “Exhibit D”. The documents that will be attached to this Order as “Exhibit D” shall include the following:

PRELIMINARY REQUIRED DOCUMENTS FOR DEMOLITION OF SITE AND STRUCTURES A – E LOCATED EAST OF TRIBUTARY ADJACENT TO TANGLEWOOD.

- Stamped site plan showing full extent of demolition.
- Full asbestos survey.
- Stamped drainage plan.
- Tributary sediment protection plan.
- Registered licensed plumbing contractor named on permit for capping and stub up of sewer and water lines.
- Plan showing restricted access during demolition to site during demolition permitting.

NOTE! It shall be required that all structures shall be demolished and removed including but not limited to – structures, foundations, ground systems of any related mechanical, electrical, and plumbing systems.

SECTION 3. THAT, within sixty (60) days from the date of this Order, the Owner shall provide an update to the City and the Commission regarding the status of the completion of Sections 1 and 2 of this Exhibit C. The update shall include plans regarding the creation of a master abatement schedule, in conjunction with the City, based upon the report contemplated in Section 1 of this Exhibit C. Upon the finalization of the master abatement schedule, and after approval of such master abatement schedule by the Commission at a subsequent meeting, the master abatement schedule shall be attached to this Order as “Exhibit E”.

SECTION 4. THAT, the Owner shall provide periodic updates to the Commission, at the Commission’s request, regarding the status of completion of Sections 1 through 3 of this Exhibit C, with such updates being at meetings of the Commission properly posted and open to the public.

SECTION 5. THAT, the City Building Official shall provide updates to the Commission, at the Commission’s request, regarding the status of completion of Sections 1 through 3 of this Exhibit C, with such updates being at meetings of the Commission properly posted and open to the public.

SECTION 6. THAT, if the Owner fails to satisfy the requirements of this Exhibit C, then the Commission may order the demolition, partial demolition, repair, renovation, remodeling, and/or vacation of the buildings, structures, or improvements on the Property and may require the City to cause the work contemplated by this Order to be completed with the cost of such work being reflected in a lien on the Property that shall be filed in the Real Property Records of Galveston County.

EXHIBIT D

**BUILDING STANDARDS COMMISSION DEMOLITION ORDER FOR CERTAIN
STRUCTURES LOCATED AT: 406 DEATS ROAD, DICKINSON, TEXAS, 77539**

EXHIBIT E

**BUILDING STANDARDS COMMISSION MASTER ABATEMENT SCHEDULE FOR
THE PROPERTY LOCATED AT: 406 DEATS ROAD, DICKINSON, TEXAS, 77539**