

ORDINANCE NO. 2024 - 4011

AN ORDINANCE DECLARING THE BUILDING ON A 3.2145 ACRE TRACT OF LAND OUT OF BLOCK 1107 AND BLOCK 1108, TOWN OF LA PORTE, JOHNSON HUNTER SURVEY, A-35, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 301 W. FAIRMONT PKWY., LA PORTE, TEXAS, SAID BUILDING BEING IDENTIFIED MORE PARTICULARLY AS ONE COMMERCIAL BUILDING, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT 1900 STRAWBERRY CORPORATION IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

WHEREAS, the City Council of the City of La Porte, passed and approved Section 82-472 of the Code of Ordinances, creating a Dangerous Building Inspection Board (*the Board*) to be composed of the Building Official or his duly authorized representative, the Fire Chief or his duly authorized representative, the Fire Marshal or his duly authorized representative; and

WHEREAS, Section 82-474 (a) provides that:

Whenever it shall come to the attention of the Board or any member thereof, by reason of the carrying out of the necessary duties of such member, or by reason of a complaint of any citizen of the City or of the City Council, that a dangerous building exists, the Board shall make a thorough inspection of such building(s); and

WHEREAS, Section 82-474 (e) provides that:

After the inspection provided for in this Section has been made, with or without the aid of experts, the Board shall report its conclusion in writing to each of the members of the City Council and to the City Attorney. Such report shall state the circumstances and the condition of the

building(s) upon which such conclusion was based. The report shall be filed in all cases no matter what conclusion is stated by the Board; and

WHEREAS, it has heretofore come to the attention of the Board that the commercial building located at 301 W. FAIRMONT PKWY., La Porte, Harris County, Texas, and which is further described A 3.2145 ACRE TRACT OF LAND OUT OF BLOCK 1107 AND BLOCK 1108, TOWN OF LA PORTE, JOHNSON HUNTER SURVEY, A-35, HARRIS COUNTY, TEXAS, has become dangerous or substandard and thereby a public nuisance, as established in Section 82-473 of the Code of Ordinances of the City of La Porte; and

WHEREAS, said Board has heretofore made and filed its written report, dated June 24, 2024, finding such building to be in fact a dangerous building; and

WHEREAS, City Council received such report, and ordered notice to the record owner of said property that a hearing as provided in Section 82-477 of said Ordinance would be held at 6:00 PM on AUGUST 26, 2024, at 604 W. Fairmont Parkway, at the Council Chambers, City Hall, City of La Porte, Texas, at which time the Council would hear further evidence for and against the conclusions of the Board; and

WHEREAS, the City of La Porte has heretofore served notice upon said owner(s), by posting a notice on the subject property on or about AUGUST 6, 2024; and by registered mail, return receipt requested, which notice was mailed on JULY 24, 2024, a date more than ten (10) days before the date set for said hearing; furthermore, notice of the aforementioned public hearing date was published in the Bay Area Observer newspaper the week of AUGUST 12, 2024 and AUGUST 19, 2024; and

WHEREAS, on AUGUST 26, 2024, City Council met in regular session to conduct such public hearing, at which time evidence was presented both for and against the conclusions of the Board; and

WHEREAS, the City Council terminated the public hearing during its meeting on AUGUST 26, 2024; and

WHEREAS, City Council, after due deliberation, and within fifteen (15) days after the termination of the public hearing, is required to make its decision in writing and enter its order; and

WHEREAS, City Council by way of this ordinance entered its order on AUGUST 26, 2024, a day which is within fifteen (15) days after the termination of the hearing.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. This Ordinance contains the Findings of Fact, Conclusions of Law, and orders of the City Council of the City of La Porte, based upon the evidence presented at said hearing.

Section 2. Based on the evidence presented at said hearing, the City Council hereby adopts the attached report of the Board, in full, and incorporates such by reference herein as fully as though set out herein.

Section 3. The City Council hereby finds, determines and declares such commercial building to be a public nuisance, and orders such buildings condemned.

Section 4. The City Council hereby finds, determines and declares that 1900 STRAWBERRY CORPORATION is the record owner of the property on which the aforementioned commercial building is situated, and that as such record owner, the said individual has been duly and legally notified of those proceedings.

Section 5. The City Council hereby orders the said 1900 STRAWBERRY CORPORATION to entirely remove or demolish such commercial building including all slabs,

parking bays and driveways, and further orders the said 1900 STRAWBERRY CORPORATION to commence such removal within ten (10) days from the effective date of this Ordinance, and to complete said removal or demolition within forty-five (45) days from the effective date of this ordinance.

Section 6. The City Council hereby orders the Board of the City of La Porte to cause a notice of the dangerous, unsanitary condition of the building to be affixed in one or more conspicuous places on the exterior of said buildings, which notice or notices shall not be removed or defaced by any person, under penalty of law.

Section 7. The City Council hereby orders the City Secretary to forward a certified copy of this Ordinance, to the record owner of said property and to any and all lienholders or mortgagees, by registered mail, return receipt requested; file a copy of this Ordinance in the office of the City Secretary; and, publish in the official newspaper of the city a notice containing: 1) the street address or legal description of the property, 2) the date of the public hearing, 3) a brief statement indicating the results of the hearing, and 4) instructions stating where a complete copy of this Ordinance may be obtained.

Section 8. Should the said 1900 STRAWBERRY CORPORATION not comply with the orders contained in this Ordinance relating to the removal or demolition of such commercial building including all slabs, parking bays and driveways within forty-five (45) days after hereof, then the City of La Porte shall enter upon the said premises with such assistance as it may deem necessary, and cause the said buildings to be removed or demolished without delay, and the expenses of such procedure shall be charged against the said record owner of said property, and shall thereupon become a valid and enforceable personal obligation of said owner of such premises, and the said City shall carefully compute the cost of such removal or demolition, which cost shall be hereafter assessed against the land occupied by such building, and made lien thereon.

Section 9. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by

law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this the 26th day of AUGUST 2024.

CITY OF LA PORTE, TEXAS

By: _____
Rick Helton, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark T. Askins, City Attorney