

ORDINANCE NO. 1925

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AUTHORIZING THE DEMOLITION AND/OR REMOVAL AND/OR REPAIR OF STRUCTURE(S) LOCATED 1827 HIGHLAND DRIVE, KELLER, TX AND KNOWN AS LOT 41, HIGHLAND TERRACE MOBILE HOME PARK; 1980 WOODGRAIN 24 X 56 ID # 12004798A, WALDEN ("STRUCTURE") FOR NONCOMPLIANCE WITH THE CITY OF KELLER, TEXAS CODE OF ORDINANCES, CHAPTER 4-BUILDINGS, ARTICLE IV, SUBSTANDARD BUILDINGS, SEC. 4-400-PURPOSE; CHAPTER 4-BUILDINGS, ARTICLE IV, SUBSTANDARD BUILDINGS, SEC. 4-410-DEFINITIONS; CHAPTER 8-HEALTH AND SANITATION, ARTICLE IV, NUISANCES; SEC. 8-410, NUISANCES DECLARED AND THEREFORE CONSIDERED A SUBSTANDARD BUILDING AND A NUISANCE; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTING OF ORDINANCES CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, From March 30, 2016 through June 2018, Code Enforcement, through their regular course of duty responding to numerous complaints and findings of code violations, discovered that the property owner is deceased. No estate beneficiaries are responsive;

WHEREAS, On August 3, 2018 eleven citations were issued and the Building Official was notified for violations under the following Articles out the Code of Ordinances.

1. Code of Ordinances: Chapter 4-Buildings: Article IV, Substandard Buildings, Sec. 4-400-Purpose-
2. Code of Ordinances: Chapter 4-Buildings: Article IV, Substandard Buildings, Sec. 4-410-Definitions-
3. Code of Ordinances: Chapter 8-Health and Sanitation: Article IV, Nuisances, Sec. 8-410, Nuisances Declared;

WHEREAS, administrative warrants were issued, premises searched and owners were notified of findings with time provided to correct violations;

WHEREAS, in the deliberation of the City Council of the City of Keller, Texas, the STRUCTURE is deemed to be substandard and a nuisance;

WHEREAS, on August 23, 2018, City officials attempted to execute the first administrative search warrant issued for the entire property, being unable to access the STRUCTURE, City officials identified six (6) Code violations visible on the outside property and vehicles parked on the property;

WHEREAS, on August 28, 2018, City officials sent official notice to the last property owner of record via certified mail, identifying the results of the City's August 23, 2018 inspection of the outside property and vehicles parked thereon;

WHEREAS, on September 10, 2018, City officials executed a second administrative search warrant issued for the entire property, this time being able to access the entire property, including the STRUCTURE, City officials identified twenty five (25) Code violations visible on the property, including the interior and exterior of the STRUCTURE located thereon;

WHEREAS, on September 28, 2018, City officials sent another official notice to the last property owner of record via certified mail, identifying the results of the City's September 10, 2018 inspection of the entire property;

WHEREAS, as part of the City's September 28, 2018 official notice, City officials determined that the STRUCTURE constituted a substandard building under the Code of Ordinances for the City of Keller, and identifying sixteen (16) individual conditions that formed the basis of the City's determination;

WHEREAS, as part of the City's September 28, 2018 official notice, City officials informed the property owner that they must commence steps to abate these conditions within fifteen (15) days of receipt of the notice, and that failure to do so may result in City action, including but not limited to, demolition of the STRUCTURE located on the property;

WHEREAS, the City also published notification of the City's determination that the STRUCTURE constituted a substandard building in the Fort Worth Star-Telegram on September 29, 2018 and October 3, 2018;

WHEREAS, the City also posted notice of the same on the property and STRUCTURE itself;

WHEREAS, the property owner has failed to respond to the City's certified letter, newspaper publications or posted notices;

WHEREAS, it is in the best interest of the health, safety, and general welfare of the citizens of the City of Keller that the substandard structures and vehicles on the subject property be demolished and/or removed; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least ten (10) days prior to such hearing; and

WHEREAS, the City Council of the City of Keller, Texas did consider the effect of the STRUCTURE on the promotion of the health, safety, and the general welfare of the citizens of the City of Keller; and

WHEREAS, the City Council does find that there is a public necessity for said demolition and/or removal of the STRUCTURE, that the public demands it, and that the public interest clearly requires the amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the STRUCTURE on the subject property be demolished, and that the property owner shall demolish or cause to be demolished the STRUCTURE within thirty (30) days;

Section 3: THAT, if the property owner fails to demolish or cause to be demolished the STRUCTURE within this timeframe; the City shall demolish or cause to be demolished the STRUCTURE, and the cost of demolition be pursued for reimbursement through the estate of said property owner, which may include establishing a special assessment lien upon the property in the amount of the City's costs to demolish or cause to be demolished the STRUCTURE plus an eight percent (8%) statutory interest fee.

Section 4: THAT, if any section, paragraph, clause, phrase, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5: THAT, this Ordinance supercedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 6: THAT, the City Secretary is hereby authorized to cause publication of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 7: THAT, this Ordinance shall become effective upon its adoption and publication provided by law, subject to any timeframes prescribed herein.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this 19th day of February, 2019.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
P.H. McGrail, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney