

SUBSTANDARD STRUCTURE ORDER

AN ORDER OF THE CITY OF NEW BOSTON CITY COUNCIL WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS STRUCTURE LOCATED AT 112 CEDAR CIRCLE, NEW BOSTON, BOWIE COUNTY, TEXAS.

WHEREAS, the City Council for the City of New Boston conducted a public hearing on November 17, 2020 regarding the structure located at 112 Cedar Circle, New Boston, Texas, ("Property") legal description being:

TRACT ONE:

Lot Numbered SEVEN (7) of McKAY'S FIRST ADDITION to the City of New Boston, Bowie County, Texas, according to the map or plat of record in Volume 1976, Page 6 of the Real Property Records of Bowie County, Texas.

WHEREAS, the City Council specifically finds that all proper notices have been sent consistent with City Ordinances; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property at 112 Cedar Circle, New Boston, Texas, is in violation of the ordinances relative to substandard structures under Article II, Division 4. Dangerous Buildings of Chapter 4. Building and Building Regulations of the City Code of Ordinances and Chapter 214 of the Local Government Code; and

WHEREAS, the City Council finds that the structure is unoccupied and has not been secured against unauthorized entry; and

WHEREAS, The City Council finds that such buildings or structures are dangerous buildings as defined by City ordinance and state statutes. The Council finds that:

Structural:

The home located on 112 Cedar Circle has been vacant since August 16, 2019 due to a house fire. As a result of the fire the home is uninhabitable.

The home is dilapidated and falling apart and is in a state of decomposition.

Electrical: No services provided. Electricity cannot be provided due to the substandard condition of the home.

Plumbing: No services provided. Plumbing cannot be provided due to the substandard condition of the home.

Additional: On occasion the property is overgrown creating a haven for all sorts of wildlife and vermin. In addition, the neighbors call complaining about the appearance of the property.

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

WHEREAS, the City Council takes notice of and incorporates all evidence presented to the City Council, including the Building Official Report and issuance of notices, for its consideration of this matter and incorporates the same into the body of this Order for all purposes; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the ordinance; and

WHEREAS, the City Council finds that the main structure is dilapidated, substandard or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizens and likely to endanger persons and property; and

WHEREAS, The Council further finds that the buildings or structures should be repaired or removed.

It is accordingly **ORDERED** by the City Council of the City of New Boston that:


1. a copy of this Order be delivered to JAMES J. CROW and LINDA G. THOMPSON surviving heirs of JAMES C. CROW;
2. the buildings or structures situated upon 112 Cedar Circle, Bowie County, Texas is a dangerous building or substandard building pursuant to the ordinances of the City;
3. the building or structure is declared to be a public nuisance;
4. the Property Owners are hereby **ORDERED** to repair the building to the minimum standards for continued use and occupancy that apply to all buildings in the City, or remove the building or structure situated at 112 Cedar Circle, New Boston, Bowie County, Texas within ninety (90) days of the date of this Order;
5. the property shall be secured in a reasonable manner from unauthorized entry while the work is being performed; and
6. should the Property Owners not perform the repairs or removal within the said ninety (90) days, the City may remove or demolish the buildings or cause them to be removed or demolished and in such event should the City incur expenses in so doing, it shall have a lien against the real property upon which the buildings or structures are situated.

IT IS FURTHER HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF NEW BOSTON THAT:

1. All work to be performed be conducted consistent with City Ordinances, state and federal regulations and statutes;
2. The structures be vacated;
3. A sign be posted at the front and rear entrance to the property in substantially similar form: SUBSTANDARD BUILDING - DO NOT ENTER - UNSAFE TO OCCUPY;

4. Should the property owners violate the terms of this Order, that the City may seek fines in an amount not to exceed \$1,000.00 per day.
5. The owners of the property, and/or any lienholder or mortgagee, must remove the structure located at 112 Cedar Circle, New Boston, Texas, and eliminate all unhealthy and unsafe conditions within ninety days of this order, including cleaning and grading the property. Failure to take the ordered actions within the specified time may result in the City taking requisite actions to demolish the structures, clean and grade the lot, and establish a lien on the property without further notice or hearing.
6. The City Secretary shall file a copy of this order with the City within ten (10) days of the date of this order and publish in a newspaper of general circulation the street address/legal description of the Property, the date of the hearing, a brief statement of the results of this order and provide notice that a copy of this order and the minutes of the meeting may be reviewed and/or obtained during regular business hours in the office of the City Secretary.

ORDERED this the 17th day of November, 2020.



RONALD HUMPHREY, Mayor



SHARMIN HUTTO, City Secretary