

**RESOLUTION NO. 2007- 87 R**

**A resolution deciding an appeal of the decision of April 12, 2007 of the Building and Standards Commission pursuant to Section 5-180, Article XIV, Unsafe Buildings, of Chapter 5 of the Victoria City Code pertaining to a structure located at or adjacent to 2503 Port, Victoria, Texas, owned by Luz Garcia, Jr.; and declaring an effective date**

**Sec. 5-180. Appeal.**

(a) The owner, lienholder, or mortgagee of record shall have the right to appeal the decision of the commission to the city council. A notice of appeal must be filed with the director within 7 calendar days from the date the commission renders its order. The city council shall hold a hearing on the matter at its next regularly scheduled meeting, unless to do so would make it impossible for the city council to render a decision prior to the expiration of the time frame in which to file an appeal with the district court as provided in subsection (b) below, in which case a special meeting shall be called. The city council may reverse or affirm, in whole or in part, or modify the commission's order and make the correct order.

(b) Notwithstanding the above, the owner, lienholder, or mortgagee of record, shall have the right to appeal the decision of the commission to district court. In addition, the owner, lienholder, or mortgagee shall have the right to appeal the decision of the commission, as reversed, affirmed, in whole or in part, or modified by the city council, if applicable, to district court. In either event, a notice of appeal must be filed with the district court clerk within 30 calendar days from the date the commission's order is mailed to the owner, lienholder and mortgagee.

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Council has considered an appeal of the decision of April 12, 2007 of the Building and Standards Commission pursuant to Section 5-180, Article XIV, Unsafe Buildings, of Chapter 5 of the Victoria City Code pertaining to a structure located at or adjacent to 2503 Port, Victoria, Texas, owned by Luz Garcia, Jr., and has determined that the order should be:

(circle one)  
affirmed.

reversed

modified to read as follows: affirmed, but stayed for 45 days,  
so owner may tear down home

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 1<sup>st</sup> day of May, 2007.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 1<sup>st</sup> day of May, 2007.



*Will Armstrong*  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas  
APPROVED AS TO LEGAL FORM:  
*David Atmar Smith*

ATTEST:

*Scarlet Swoboda*  
SCARLET SWOBODA, City Secretary

Distribution: Legal Department  
Department of Building Inspections

DAVID ATMAR SMITH, City Attorney  
Copies Sent: MAY 3, 2007