

**AN ORDER OF THE BUILDING OFFICIAL 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 AN IMMEDIATE AND SERIOUS DANGER TO LIFE AND PROPERTY CREATING AN UNSAFE CONDITION TO THE RESIDENTS LOCATED ON THE PROPERTY AND TO THE CITIZENS OF THE CITY OF DICKINSON, TEXAS; ORDERING THAT THE OWNER OF THE PROPERTY IMMEDIATELY ABATE THE IMMEDIATE AND SERIOUS DANGER TO LIFE AND PROPERTY CREATING AN UNSAFE CONDITION ON THE PROPERTY; AUTHORIZING THE CITY OF DICKINSON, TEXAS TO ABATE THE IMMEDIATE AND SERIOUS DANGER TO LIFE AND PROPERTY CREATING AN UNSAFE CONDITION ON THE PROPERTY IF THE OWNER OF THE PROPERTY FAILS TO ABATE THE SAME ACCORDING TO THIS ORDER; ORDERING THE PROPERTY TO BE VACATED WITHIN THIRTY (30) DAYS OF THE DATE OF 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**, on or about November 21, 2022, in accordance with Chapter 5 "Buildings", Article I "Building Standards Commission; Substandard Buildings", Section 5.06 "Emergency Procedure" of the Code of Ordinances (the "Code") of the City of Dickinson, Texas (the "City"), the City's Building Official provided a memorandum (the "Memorandum") to the City Manager indicating that due to the lack of hot water to residents on the property generally located at 406 Deats Road, Dickinson, Texas 77539 (the "Property"), that, on the Property, an immediate and serious danger to life or property existed creating an unsafe condition, and that such condition should be deemed a condition justifying the use of emergency measures to abate the immediate and serious danger to life or property located at the Property, with the Property being more particularly described in "Exhibit A" attached hereto, and with the Memorandum being attached to this Order as "Exhibit B"; and

**WHEREAS**, the City Manager agreed with the Building Official's determination as provided in the Memorandum, and through this Order, the City Manager wishes to consent and approve of the vacation of the Property due to the immediate and serious danger to life or property creating an unsafe condition at the Property related to the lack of hot water, and to order the owner of the Property (the "Owner") to take all appropriate action to abate such immediate and serious danger creating an unsafe condition as soon as possible, but not later than thirty (30) days of the date of this Order; and **NOW THEREFORE**,

**IT IS HEREBY ORDERED BY THE BUILDING OFFICIAL  
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 contained therein.

**SECTION 2. THAT** the Building Official hereby finds that the structures, equipment, and infrastructure related to the boiler and the water system located on the Property are an immediate and serious danger to life or property creating an unsafe condition for the residents of the Property and the citizens of the City, and so orders that the Owner, shall, by itself or through the action of an agent, abate such condition within thirty (30) days of the date of this Order (the “Abatement”).

**SECTION 3. THAT** if the Owner shall fail to satisfy the Abatement, 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 City’s Code of Ordinances and State law.

**SECTION 4. THAT** the Property shall be vacated within thirty (30) days of the date of this Order unless the Abatement is satisfied by the Owner within such time.

**SECTION 5. THAT** the Owner has the right to appeal this Order to the appropriate entity at the City in accordance with the City’s Code of Ordinances and State law.

**SECTION 6. 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 7. 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 8. 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 9. 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 10. THAT** this Order shall be in full force and effect from and after its passage.

**SECTION 11. THAT** a copy of this Order shall be served upon the Owner and applicable parties in accordance with the City’s Code of Ordinances and State law.

ORDERED THIS 30 DAY OF November, 2022.

**SIGNATURES**

**FOR THE CITY:**



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**HERMAN MEYERS, CHIEF BUILDING OFFICIAL  
TSBPE LICENSE # I-3558**

**CONSENT & APPROVAL:**



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**THEO MELANCON, CITY MANAGER**

**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 MEMORANDUM REGARDING THE IMMEDIATE AND  
SERIOUS DANGER TO LIFE AND PROPERTY AT:  
406 DEATS ROAD, DICKINSON, TEXAS, 77539**



City of Dickinson  
Inspections Department  
4403 Hwy 3  
Dickinson, TX 77539  
Phone (281) 337-2489  
Fax (281) 337-6190

## MEMORANDUM

**DATE:** November 21, 2022

**TO:** Theo Melancon, City Manager

**FROM:** Herman Meyers, Chief Building Official, TSBPE License # I-3558

**RE:** Update on the current conditions of Creekside Apartments, 406 Deats Road, Dickinson.

This memo shall serve to inform you that the conditions at Creekside Apartments have continued to deteriorate.

On November 2, 2022, CenterPoint Energy disconnected gas service to the entire apartment site/address because of safety concerns due to leaking gas in the boiler room adjacent to Deats Road.

On November 16, 2022, the boilers, including a temporary boiler delivered to the site by Geyser Plumbing, were condemned after an onsite visit by the TDLR Boiler Program. (Reports attached.)

There has been no successful attempt by the owners of Creekside Apartments or the owner's agents to properly rectify the lack of hot water which has left all residents of Creekside Apartments without hot water for almost three weeks as of this date. Hot water is required by the International Property Maintenance Code and International Plumbing Code in order to protect the health, safety, and welfare of the public.

In the last couple weeks, Creekside Apartments has had a Stop Work Order posted for performing structural work without the benefit of engineering or permitting. In addition, contractors working on site were found performing demolition work and were found removing material in the vacant structures east of the tributary without proper permitting. There have been multiple fires on the site, and I have personally witnessed the continual flow of sewage on walkways in areas where it has been previously documented that sewage was observed.

There is an apparent disregard for the public's health. Due to the historical events, continued substandard conditions, and lack of required hot water with no plan for resolution from Creekside's owners and/or agents, I am left with no other options other than to request the use of emergency measures under City Ordinance Section 5-06(a)(1) Emergency Procedures which allows for immediate vacation of the building, structure and/or adjacent buildings or structures.