

To the Mayor and Members of the City Council

April 3, 2020

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SUBJECT: RESPONSE TO EXISTING SLABS IN CAVILE

Issue

The City Council requested information about development design standards in regard to slabs and flatwork remaining after demolition. In the Cavile area, multiple properties have existing slabs and flatwork that were left after demolition. This may be a deterrent to developers when looking at areas to revitalize.

Slabs/Flatwork in Cavile

Currently in Cavile there are 44 properties owned by 29 different owners with slabs and/or flatwork that remain after the structures were demolished. There are no properties owned or held-in-trust by the City of Fort Worth with existing slabs or flatwork in the Cavile area. Below is a breakdown of what remains on the vacant properties. Flatwork includes driveways, walkways, and stem walls.

Type	# of Properties
Slab	15
Slab & Flatwork	9
Flatwork	8
Stairs	5
Stairs & Flatwork	3
Slab & Stairs	2
Brick Columns & Flatwork	1
Brick Flower Bed	1
Total	44

Previous Development Requirements

Prior to 2012, the City required the foundation of a structure be removed during a demolition unless the owner also had a permit for a rebuild. The Texas Supreme Court made a ruling that caused City Council to amend section 7-222 in March 2012 to eliminate the requirement that all foundations be demolished pursuant to demolition permits.

Texas Supreme Court Summary

The Texas Supreme Court’s opinion in *City of Dallas v. Stewart* affected municipalities’ nuisance abatement efforts including demolition under Building Standard Commission orders and demolition permits. *Dallas v. Stewart* requires cities that demolish properties under statutory Building Standards Commission orders to provide for a judicial determination of “nuisance”. Under the opinion, this may be accomplished through a trial de novo appeal of a demolition order in District Court. If a concrete foundation is intact, a District Court may not find the foundation to be a nuisance or a hazard. Furthermore, a requirement to demolish a foundation or flatwork that is not hazardous could be found to be a “taking” by a District Court.

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The complete demolition of a building on private property requires a razing permit. For commercial property, razing permits can only be obtained by a registered razing contractor. For residential property, the property owner or a registered razing contractor can get the permit.

As a result of the Texas Supreme Court's opinion, City Council amended section 7-222 that specifically addresses the completion of work to state "Completion of the work pursuant to a moving or demolition permit shall include the removal of any debris caused by such moving or demolition. Moreover the applicant shall repair at his or her own expense any and all damage to public property."

The permit requires 2 inspections by the Development Services Department:

1. The initial inspection (stakeout) verifies the address of the structure to be demolished and that all utilities have been disconnected and properly terminated/capped prior to the demolition.
2. The final inspection verifies that the demolition is complete and that all debris from the demolition has been removed.

The City no longer requires that the foundation and flatwork be removed based on changes that were made as a result of the Texas Supreme Court's opinion in 2012. The remaining foundation and flatwork do not constitute a zoning violation presuming the structures were legal prior to demolition.

For questions regarding this information, please contact Brandon Bennett, Code Compliance Director, at 817-391-6322, Chris Mosley, City Attorney's Office, at 817-392-7603 or DJ Harrell, Interim Development Services Director, at 817-392-8032.

David Cooke
City Manager