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SERVICE SOLUTIONS SUCCESS

CITY OF EL PASO, TEXAS

AGENDA ITEM

DEPARTMENT HEAD'S SUMMARY FORM



DEPARTMENT: Development Services Department

AGENDA DATE: February 9, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Victor Q. Torres, (915) 541-4557

DISTRICT(S) AFFECTED: 6

**SUBJECT:**

Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

5959 Ybarra Court \$10,756.87 District 6  
Juan F. Jacquez and Maria Jacquez

**BACKGROUND / DISCUSSION:**

The Building Standards Commission conducted a public hearing on June 24, 2009 and ordered that the main structure at **5959 Ybarra Court** be secured, demolish the accessory structure and clean the premises of all weeds, trash and debris within 30 days. The cost incurred for this property at 5959 Ybarra Court includes \$9,405.05 performed by the Street Department and \$1,351.82 performed by the Development Services and City Clerks Office.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Building Standards Commission – Public Hearing - June 24, 2009

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Victor Q. Torres*  
\_\_\_\_\_  
(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

Mayor  
John F. Cook

City Council

District 1  
Ann Morgan Lilly

District 2  
Susie Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

City Manager  
Joyce A. Wilson

Development Services Department  
Victor Q. Torres – Director

2 Civic Center Plaza – 5<sup>th</sup> Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

## RESOLUTION

**WHEREAS**, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 24<sup>th</sup> day of June, 2009, after due notice and hearing, issued an order to JUAN F. JACQUEZ and MARIA JACQUEZ, record Owners of the hereinafter described property that the main structure be secured, demolish the accessory structure within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the main structure, demolish the accessory structure and to clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the main structure, demolishing the accessory structure and cleaning the premises of all weeds, trash, and debris from the property, more particularly described as:

Lot 18, Block D, Deal Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 9, Page 4, Plat Records of El Paso County, Texas, municipally known and numbered as 5959 Ybarra Court, El Paso, Texas.

to be \$9,405.05, performed by the Street Department of the City of El Paso, and \$1,351.82, performed by the City Clerk's Office and Development Services Department, making a total of \$10,756.87. The City Council finds that the work was completed on the 21<sup>st</sup> day of November, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of TEN THOUSAND SEVEN HUNDRED FIFTY-SIX AND 87/00 DOLLARS (\$10,756.87) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

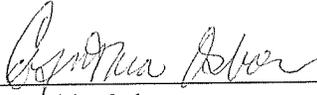
CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Victor Q. Torres, Director  
Building Permits and Inspections  
Development Services Department

ACKNOWLEDGEMENT

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by \_\_\_\_\_, as \_\_\_\_\_ of the City of El Paso.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

(Seal)  
PREPARED IN THE OFFICE OF:  
City Attorney's Office  
#2 Civic Center Plaza  
El Paso, Texas 79901-1196



**OFFICE OF THE CITY ATTORNEY  
M E M O R A N D U M**

**CONFIDENTIAL ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT COMMUNICATION  
NOT INTENDED FOR PUBLIC DISSEMINATION**

**DATE:** January 29, 2010

**TO:** Victor Q. Torres, Director  
Building Permits and Inspections  
Development Services Department

**FROM:** Cynthia Osborn, Assistant City Attorney *alo*

**SUBJECT:** Agenda Item for Consent Agenda

The following lien should be considered on the City Council Consent Agenda.

5959 Ybarra Court                      \$10,756.87                      District 6

The attached Condemnation Lien is in accordance with Texas Local Government Code §214.001(n). The Building and Standards Commission previously conducted public hearings on this property and ordered that measures be taken to ensure that the property was made safe. After the Owners of the property failed to comply with such orders, various City departments took action on behalf of the Owners to ensure that the property was made safe.

The costs incurred for this property include those associated with notifying all parties having an interest in the property of the public hearings, as follows:

Notification	595.93
Notification	605.89
Title Report	150.00
Street Department	<u>9,405.05</u>
TOTAL	<u>\$10,756.87</u>

If I can provide further information, please call me.

cc: Shirley Kaiser, Capital Assets Management