

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: MARCH 13, 2007

CONTACT PERSON/PHONE: WILLIAM V. STERN, DEVELOPMENT SERVICES, (915) 541-4800

DISTRICT(S) AFFECTED: 4

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

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 Municipal Code:

<u>10225 Fertell Street</u>	<u>\$1,911.44</u>	<u>District 4</u>
<u>David D. Ludwick and Joanne M. Ludwick</u>		

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

~~WHEREAS~~, in accordance with Section 18.50 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 26th day of July, 2006, after due notice and hearing, ordered DAVID D. LUDWICK and JOANNE M. LUDWICK, record Owners of the hereinafter described property that the Buildings be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property 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 Buildings and 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 Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 231, Block 9, Yucca Village, an addition in the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 5, Plat records in the office of the County Clerk of El Paso County, Texas, municipally known and number as 10225 Fertell Street, El Paso, Texas,

to be \$845.89, performed by the Street Department of the City of El Paso, and \$1,065.55, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$1,911.44. The City Council finds that the work was completed on the 29th day of December, 2006, 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 ONE THOUSAND NINE HUNDRED ELEVEN AND 44/100 DOLLARS (\$1,911.44) 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 _____, 2007.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Roberta B. Cross
Roberta B. Cross
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert
R. Alan Shubert, Director
Development Services Department

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2007 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: February 28, 2007
TO: R. Alan Shubert, P.E., Director
Development Services Department
FROM: Roberta B. Cross, Assistant City Attorney
SUBJECT: Agenda Item for Consent Agenda

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

10225 Fertell Street \$1,911.44 District 4

The attached Condemnation Lien is in accordance with Texas Local Government Code §214.001(n). City Council 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:

Title Report	\$150.00
Notification	\$411.52
Notification	\$504.03
Street Dept. Costs	<u>\$845.89</u>
TOTAL	\$1,911.44

If I can provide further information, please call me.

cc: Juanita Gardea, City Comptroller's Office