

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

**DEPARTMENT:**     DEVELOPMENT SERVICES

**AGENDA DATE:**    MAY 1, 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>9961 Sidewinder Street</u>	<u>\$2,475.85</u>	<u>District 4</u>
<u>Nebram Enterprises</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 Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 26th day of June, 2006, after due notice and hearing, ordered Nebram Enterprises, record Owner of the hereinafter described property that the Building(s) be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner 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 Building(s) 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 Building(s) 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 Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 5, Block 30, Dale Bellamah Subdivision, an addition to the City of El Paso, municipally known and numbered as 9961 Sidewinder Street, El Paso, Texas,

to be \$1,400.73, performed by the Street Department of the City of El Paso, and \$1,075.12, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$2,475.85. The City Council finds that the work was completed on the 25<sup>th</sup> day of April, 2006 and the 28<sup>th</sup> day of September, 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 TWO THOUSAND FOUR HUNDRED SEVENTY-FIVE AND 85/100 DOLLARS (\$2,475.85) 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:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
*Roberta B. Cross*  
Roberta B. Cross  
Assistant City Attorney

\_\_\_\_\_  
*R. Alan Shubert*  
R. Alan Shubert, P.E., C.B.O. 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:** April 20, 2007  
**TO:** R. Alan Shubert, P.E., C.B.O., 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.

9961 Sidewinder Street      \$2,475.85      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:

Street Department Costs	\$1,400.73
Notification	473.04
Notification	488.08
Title Report	<u>150.00</u>
TOTAL	<u>\$2,475.85</u>

If I can provide further information, please call me.

cc: Juanita Gardea, City Comptroller's Office  
Carmen Perez, Attorney at Law