

*Dedicated to Outstanding Customer Service for a Better Community*

**SERVICE SOLUTIONS SUCCESS**

**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**



**DEPARTMENT:** DEVELOPMENT SERVICES

**AGENDA DATE:** JUNE 9, 2009

**CONTACT PERSON/PHONE:** VICTOR Q. TORRES, (915) 541-4557

**DISTRICT(S) AFFECTED:** 2 & 3

**SUBJECT:**

Placing a condemnation lien on the following properties (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:

- |   |            |            |
|---|------------|------------|
| 1. 2630 Richmond Avenue   | \$9,164.46 | District 2 |
| Dennis B. Deregla, Joseph Therese Reydom, Gmac Mortgage Llc and First American Field Services |            |            |
| 2. 5909 Delta Drive   | \$5,199.11 | District 3 |
| Primitivo N. Pena and Maria V. Pena   |            |            |

**BACKGROUND / DISCUSSION:**

The Building Standards Commission conducted a public hearing on August 27, 2008 and ordered that the structures at **2630 Richmond Avenue** be secured and clean of all weeds, trash and debris within 30 days. The cost incurred for this property at 2630 Richmond includes \$7,658.32 performed by the Street Department and \$1,506.14 performed by the City Clerk's Office and Development Services Department.

The Building Standards Commission conducted a public hearing on September 24, 2008 and ordered that the structures at **5909 Delta Drive** to be secured and clean of all weeds, trash, and debris within 30 days. The cost incurred for this property at 5909 Delta Drive includes \$3,789.21 performed by the Street Department and \$1,409.90 performed by the City Clerk's Office and Development Services Department.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Building Standards Commission

1. Public Hearing – August 27, 2008 - 2630 Richmond Ave.
2. Public Hearing – September 24, 2008 - 5909 Delta Dr.

**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

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

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



LEGAL: (if required) \_\_\_\_\_ FINANCE: (if required) \_\_\_\_\_

DEPARTMENT HEAD: Victor Q. Torres  
Victor Q. Torres, Development Services Director

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: \_\_\_\_\_

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
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Emma Acosta

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Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

## 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 27<sup>th</sup> day of August, 2008, after due notice and hearing, issued an order to DENNIS B. DEREGLA, JOSEPH THERESE REYDOM, GMAC MORTGAGE LLC and FIRST AMERICAN FIELD SERVICES, record Owners of the hereinafter described property that the structures be secured 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 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 structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 17 through 23 and the East 10 Feet of Lot 24, Block 96, Highland Park Addition (Third Amended Map), an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, municipally known and numbered as 2630 Richmond Avenue, El Paso, Texas,

to be \$7,658.32, performed by the Street Department of the City of El Paso, and \$1,506.14, performed by the City Clerk's Office and Development Services Department, making a total of \$9,164.46. The City Council finds that the work was completed on the 9<sup>th</sup> day of February, 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 NINE THOUSAND ONE HUNDRED SIXTY-FOUR AND 46/100 DOLLARS (\$9,164.46) 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 \_\_\_\_\_, 2009.

CITY OF EL PASO

ATTEST:

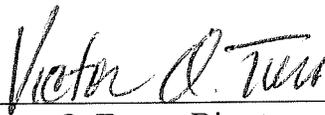
\_\_\_\_\_  
John F. Cook  
Mayor

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mark Shoosmith  
Assistant City Attorney

  
\_\_\_\_\_  
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 \_\_\_\_\_, 2009 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

## 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 September, 2008, after due notice and hearing, issued an order to PRIMITIVO N. PENA and MARIA V. PENA, record Owners of the hereinafter described property that the structures be secured 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 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 structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 23, Block 10, Parkdale Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof of record in Plat, Book 1, Page 57 of the Plat Records of El Paso County, Texas, municipally known and numbered as 5909 Delta Street, El Paso, Texas,

to be \$3,789.21, performed by the Street Department of the City of El Paso, and \$1,409.90, performed by the City Clerk's Office and Development Services Department, making a total of \$5,199.11. The City Council finds that the work was completed on the 31<sup>st</sup> day of January, 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 FIVE THOUSAND ONE HUNDRED NINETY-NINE AND 11/100 DOLLARS (\$5,199.11) 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 \_\_\_\_\_, 2009.

CITY OF EL PASO

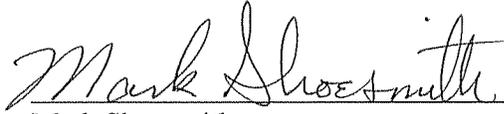
ATTEST:

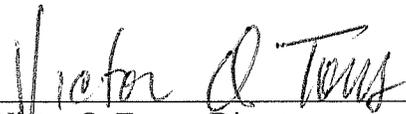
\_\_\_\_\_  
John F. Cook  
Mayor

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
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Mark Shoesmith  
Assistant City Attorney

  
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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 \_\_\_\_\_, 2009 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