

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

DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: JUNE 12, 2007

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

DISTRICT(S) AFFECTED: 7

**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 Municipal Code:

117-119 West Overland Avenue            \$7,056.91            District 8  
William Abraham (Trustee) for Franklin Group, L.P.

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

NO

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

\*\*\*\*\*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: \_\_\_\_\_

CITY CLERK DEPT.  
MAY 30 AM 9:46



**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:** May 23, 2007  
**TO:** R. Alan Shubert, P.E., C.B.O., Director  
Development Services Department  
**FROM:** Ernesto Rodriguez, Assistant City Attorney  
**SUBJECT:** Agenda Item for Consent Agenda

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

117-119 West Overland Avenue      \$7,056.91      District 8

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	\$3,398.73
Notification	481.20
Notification	465.60
Notification	382.81
Notification	497.65
Notification	563.94
Notification	440.23
Notification	526.75
Title Report	\$150.00
Title Report	<u>150.00</u>
TOTAL	<u>\$7,056.91</u>

If I can provide further information, please call me.

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

07 MAY 30 AM 9:46  
CITY CLERK DEPT.

**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 July, 2006, after due notice and hearing, ordered William Abraham (Trustee) for Franklin Group, L.P., 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:

Portion of Block 15, Mills Map Addition and being in the Southwest corner of said Block 15, an addition to the City of El Paso, municipally known and numbered as 117-119 West Overland Avenue Street, El Paso, Texas,

to be \$3,398.73, performed by the Street Department of the City of El Paso, and \$3,658.18, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$7,056.91. The City Council finds that the work was completed on the 16<sup>th</sup> day of November, 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 SEVEN THOUSAND FIFTY-SIX AND 91/100 DOLLARS (\$7,056.91) 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.

07 MAY 30 AM 9:46  
CITY CLERK DEPT.

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:

  
\_\_\_\_\_  
Ernesto Rodriguez  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
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

07 MAY 30 AM 9:46  
CITY CLERK DEPT.